

**RESOLUTIONS AND LEGAL NOTICES OF HEARING LISTED ON THE PRELIMINARY AGENDA ARE AVAILABLE AT THE TOWN CLERK'S OFFICE ONE DAY PRIOR TO THE TOWN BOARD MEETING.**

**IF YOU ATTEND THE TOWN BOARD MEETING AND WISH TO READ ANY LEGAL NOTICE OF PUBLIC HEARING OR RESOLUTION SCHEDULED, PLEASE SEE THE WHITE BINDER LOCATED ON THE TABLE TO THE RIGHT OF THE DAIS NEXT TO THE TOWN CLERK. IF YOU HAVE ANY FURTHER QUESTIONS PLEASE SEE TOWN CLERK JO-ANN RAIA.**

**PRELIMINARY/ADOPTED AGENDA AND ADOPTED RESOLUTIONS ARE AVAILABLE AT:**  
<http://HuntingtonNY.gov>

**PRESENT:**

<b>Supervisor</b>	<b>Frank P. Petrone</b>
<b>Councilwoman</b>	<b>Susan A. Berland</b>
<b>Councilman</b>	<b>Eugene Cook</b>
<b>Councilman</b>	<b>Mark A. Cuthbertson</b>
<b>Councilman</b>	<b>Mark Mayoka</b>
<b>Town Clerk</b>	<b>Jo-Ann Raia</b>
<b>Acting Town Attorney</b>	<b>Thelma Neira</b>

**AGENDA FOR TOWN BOARD MEETING DATED JANUARY 8, 2013**

**BOARD OF TRUSTEES' MEETING FOLLOWING**

Opened: 4:27 P.M. Closed: 4:28 P.M.

**COMMUNITY DEVELOPMENT AGENCY MEETING FOLLOWING**

Opened: 4:28 P.M. Closed: 4:28 P.M.

**2:00 P.M. – TOWN HALL**

Opened: 2:04 P.M. Closed: 4:27 P.M.

(Resolutions #2013-1 to 2013-37)

**HEARINGS:**

**ACTION**

1. Consider issuing a Certificate of Approval in an Historic District  
Re: 125 Main Street, Huntington – Old Huntington Green Historic District.  
(Applicant: Old First Presbyterian Church)  
(SCTM #0400-072.00-06.00-052.000)  
(2012-ZC-10-Ch. 198)

**DECISION RESERVED**

2. Consider acquiring Gateway Park Addition (Corrente).  
(SCTM #0400-094-03-033.000)  
(2012-M-60)

**DECISION RESERVED**

3. Consider acquiring Gateway Park Addition (Mount Calvary of  
Huntington Ministries). (SCTM #0400-099-04-016.000)  
(2012-M-61)

**DECISION RESERVED**

**HEARINGS (Continued):**

**ACTION**

4. Consider authorizing various actions be taken upon certain properties designated as blighted in accordance with Chapter 156, Article VII, § 156-60 (Blighted Property).

**(SCTM #'S 0400-194-04-018.000, 0400-73-3-15.004,  
0400-252.00-02.00-045.000, 0400-278.00-02.00-170.000,  
0400-278.00-02.00-171.000, 0400-066.00-01.00-023.000)  
(2012-M-59)**

**DECISION RESERVED**

**AGENDA FOR TOWN BOARD  
MEETING DATED: JANUARY 8, 2013**

**RESOLUTIONS:**

**OFF. SEC. VOTE**

**ABBREVIATIONS FOR PURPOSE OF AGENDA:**

Supervisor Frank P. Petrone	-	FP
Councilwoman Susan A. Berland	-	SB
Councilman Eugene Cook	-	EC
Councilman Mark A. Cuthbertson	-	MC
Councilman Mark Mayoka	-	MM

- |                |   |  |
|----------------|---|--|
| <b>2013-1.</b> | <p><b>ADOPT</b> various actions of the Town Board for the Year 2013.<br/>(Re: Designate the following banks: Bank of America, Capital One Bank, JP Morgan Chase Bank, Citibank, N.A., First National Bank of Long Island, HSBC Bank, M&amp;T Bank, New York Commercial Bank, State Bank of Long Island, Suffolk County National Bank, TD Bank, Bachovia Bank, NA, Flushing Commercial Bank; Herald Bank; Community National Bank; Gold Coast National Bank; Appoint New York Municipal Advisors Corporation as Fiscal Advisors; Appoint Nixon Peabody, LLP and Hawkins, Delafield &amp; Wood and Harris Beach PLLC as Bond Counsel; Designates Councilwoman Berland as Principal and Councilman Cook as Alternate to cast the vote of the Town of Huntington at the Association of Towns Annual Meeting; Appoints Paul Mandelik as Chairman and Jane Devine as Vice-Chairman of the Town of Huntington Planning Board effective 1/1/2013-12/31/2013; Appoints Christopher Modelewski as Chairman and Scott Frayler as Vice-Chairman of the Town of Huntington Zoning Board of Appeals effective 1/1/2013-12/31/2013; Appoints Randolph Spelman as member of Board of Assessment Review, effective 1/1/2013-09/30/2018; Designates the Observer and the Long Islander as the official newspapers for the Town of Huntington)</p> | <p><u><b>MC</b></u>    <u><b>MM</b></u>    <u><b>5</b></u></p> |
| <b>2013-2.</b> | <p><b>AUTHORIZE</b> the Supervisor to execute agreements for the provision of various youth services on behalf of the Youth Bureau for the Year 2013.<br/>(Re: Tri Community and Youth Agency, Inc. (Region I), Youth Directions and Alternatives, Community and Youth Agency, Inc. (Region II), Regional Enrichment Agency of Commack and Half Hollow Hills, Community and Youth Agency, Inc. (Region III), Family Service League of Suffolk County, Inc., Long Island Crisis Center, Inc., C.A.S.T. Program, Huntington Youth Bureau Youth Development Research Institute, Inc. (Non Drug related) and Huntington Youth Bureau Youth Development Research Institute, Inc. (Drug related))</p>   | <p><u><b>FP</b></u>    <u><b>MC</b></u>    <u><b>5</b></u></p> |
| <b>2013-3.</b> | <p><b>AUTHORIZE</b> execution of agreement to spend Town Highway Funds for calendar year 2013.</p>  | <p><u><b>MM</b></u>    <u><b>MC</b></u>    <u><b>5</b></u></p> |
| <b>2013-4.</b> | <p><b>AUTHORIZE</b> the Supervisor to enter into a contract with the Suffolk County Sheriff's Office to receive funding to participate in Operation Shield.</p>   | <p><u><b>FP</b></u>    <u><b>MM</b></u>    <u><b>5</b></u></p> |
| <b>2013-5.</b> | <p><b>AUTHORIZE</b> the Supervisor to execute an agreement with the Town of Huntington Economic Development Corporation.<br/>(Period: 1/1/2013 -12/31/2013)</p>   | <p><u><b>FP</b></u>    <u><b>MM</b></u>    <u><b>5</b></u></p> |

**AGENDA FOR TOWN BOARD  
MEETING DATED: JANUARY 8, 2013**

<b>RESOLUTIONS:</b>		<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2013-6.</b>	<b>AUTHORIZE</b> the Supervisor to execute an extension to the franchise agreement with Bricks 4 Kidz to provide a hands-on enrichment program where children design and construct machines and buildings using Lego bricks. <b>(Period: 6/1/2013 – 6/1/2014)</b>	<b>MC</b> <b><u>SB</u></b>	<b><u>FP</u></b>	<b><u>5</u></b>
<b>2013-7.</b>	<b>AUTHORIZE</b> the Supervisor to enter into an agreement with Sweet Hills Equestrian Stables D/B/A Sweet Hills Equestrian Center to provide a horseback riding facility and lessons at West Hill Park. <b>(Period: Execution Date through 12/31/2014)</b>	<b><u>SB</u></b>	<b><u>EC</u></b>	<b><u>5</u></b>
<b>2013-8.</b>	<b>AUTHORIZE</b> the Supervisor to execute a requirements contract for the town wide alarm system repair, installation, service and central station monitoring with General Security, Inc. <b>(Period: 2 years)</b>	<b><u>MM</u></b>	<b><u>SB</u></b>	<b><u>5</u></b>
<b>2013-9.</b>	<b>AUTHORIZE</b> the Supervisor to execute a contract for the Sea Spray Drive bulkhead reconstruction with AMMA Construction Corp. <b>(Period: Execution date through 9/1/2013)</b>	<b><u>MC</u></b>	<b><u>MM</u></b>	<b><u>5</u></b>
<b>2013-10.</b>	<b>AUTHORIZE</b> the Supervisor to execute an extension to the requirements contract for overhead and rollup door repairs and service with Superior Overhead Door, Inc. <b>(Re: Extension period one year)</b>	<b><u>MC</u></b>	<b><u>EC</u></b>	<b><u>5</u></b>
<b>2013-11.</b>	<b>AUTHORIZE</b> the execution of an agreement with H2M Labs Inc. to provide annual laboratory wastewater analysis services for 2013 for the Huntington Sewer District. <b>(Period: 1/1/13 – 12/31/2013)</b>	<b><u>MM</u></b>	<b><u>SB</u></b>	<b><u>5</u></b>
<b>2013-12.</b>	<b>AUTHORIZE</b> the Supervisor to execute an agreement with H2M Labs, Inc. for the provision of 2013 annual laboratory services for the Dix Hills Water District.	<b><u>SB</u></b>	<b><u>EC</u></b>	<b><u>5</u></b>
<b>2013-13.</b>	<b>AUTHORIZE</b> the Supervisor to execute an agreement with Holzmacher, McLendon & Murrell, P.C. for 2013 annual retainer services for the Dix Hills Water District.	<b>MM</b> <b>MC</b> <b><u>SB</u></b>	<b><u>FP</u></b> <b><u>EC</u></b>	<b><u>5</u></b>
<b>2013-14.</b>	<b>AUTHORIZE</b> the Supervisor to execute an agreement with R & C Formation, Ltd. for groundwater and surface water monitoring in compliance with the record of decision for the East Northport landfill. <b>(Period: 1/1/2013 – 12/31/2013)</b>	<b><u>MM</u></b>	<b><u>SB</u></b> <b><u>EC</u></b>	<b><u>5</u></b>
<b>2013-15.</b>	<b>AUTHORIZE</b> the execution of an agreement with The Huntington Community First Aid Squad, Inc., for emergency medical and ambulance services to the Huntington Community Ambulance District. <b>(Period: 1/1/2013 – 12/31/2013)</b>	<b><u>FP</u></b>	<b>MM</b> <b><u>SB</u></b>	<b><u>5</u></b>

**AGENDA FOR TOWN BOARD  
MEETING DATED: JANUARY 8, 2013**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2013-16.</b> <b>AUTHORIZE</b> the execution of an agreement with The Commack Volunteer Ambulance Corporation for emergency medical and ambulance services to the Commack Ambulance District. (Period: 1/1/2013 – 12/31/2013)	<u><b>FP</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<b>2013-17.</b> <b>AUTHORIZE</b> the Supervisor to execute an agreement for the provision of consulting services for Town and Board of Trustees property and contract/franchise matters. (Re: <b>Robert Fonti</b> )	<u><b>MC</b></u>	<u><b>MM</b></u>	<b>4-AYES</b> <b>1-NO</b> <u><b>(EC)</b></u>
<b>2013-18.</b> <b>AUTHORIZE</b> Town Attorney to enter into a compensation agreement for the payment of compensation and expenses of Randy J. Schaefer, Esq. as Temporary Receiver, pursuant to the order of District Court Judge, Honorable C. Stephen Hackeling, in the matter of the People of the State of New York v. Breen 1 LLC, Index Number Huto 806-09, Re: Code Violations at 8 Judith Drive, Greenlawn, New York (SCTM No. 0400-166-04-043).	<u><b>SB</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<b>2013-19.</b> <b>AUTHORIZE</b> the Town of Huntington to settle the matter of Stacey Hill v. Fence Man, Inc., The Town of Huntington and Town of Huntington Highway Department. (Re: <b>Suffolk County Supreme Court Index No. 07-8281</b> )	<u><b>MM</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<b>2013-20.</b> <b>AUTHORIZE</b> the Town of Huntington to settle the matter of Christian J. Roccanova and Joseph T. Roccanova v. Frank Luciano, Patricia Luciano and the Town of Huntington. (Re: <b>Suffolk County Supreme Court Index No. 08-14106</b> )	<u><b>MC</b></u>	<b>EC</b> <u><b>MM</b></u>	<u><b>5</b></u>
<b>2013-21.</b> <b>AUTHORIZE</b> the Comptroller to amend the 2013 Operating Budget and appropriate fund balance for the Town of Huntington and its special districts – Cultural Affairs (Public Art Initiative).	<b>FP</b> <u><b>SB</b></u>	<u><b>MC</b></u>	<u><b>5</b></u>
<b>2013-22.</b> <b>AUTHORIZE</b> the correction of Code Violations at various locations pursuant to the Code of the Town of Huntington. (Re: <b>Charles/Francesca Bowen, 30 Pearwood Drive, Huntington Station, SCTM# 0400-138.00-01.00-051.000, Chapter 133</b> )	<b>MM</b> <u><b>SB</b></u>	<b>FP</b> <u><b>EC</b></u>	<u><b>5</b></u>
<b>2013-23.</b> <b>APPOINT</b> an additional member to the Environmental Open Space and Park Fund Review Advisory (EOSPA) Committee. (Re: <b>Lynn Ruvolo</b> )	<u><b>MC</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<b>2013-24.</b> <b>APPOINT</b> a Marriage Officer for the Town of Huntington for the purpose of solemnizing a marriage. (Re: <b>Supervisor Frank Petrone</b> ) (Period: 1/7/2013 -2/4/2013)	<b>MC</b> <u><b>EC</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<b>2013-25.</b> <b>APPROVE</b> a 2013 Public Art Plan and authorizing the Public Art Advisory Committee to proceed with its implementation.	<u><b>FP</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>

**AGENDA FOR TOWN BOARD  
MEETING DATED: JANUARY 8, 2013**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2013-26. ESTABLISH</b> rates for the rental or hiring of highway machinery and equipment for snow, debris removal and catch basin cleaning-Highway Department.	<u><b>MC</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<b>2013-27. DIRECT</b> the Town Comptroller to present to the Town Board the second trisectional report for the period ending August 31 <sup>st</sup> no later than October 15 <sup>th</sup> or two weeks prior to the vote on the annual adopted budget.			<b>3-AYES</b> (MM) (SB) (EC) <b>2-NOES</b> (FP) <u>(MC)</u>
	<u><b>MM</b></u>	<u><b>EC</b></u>	
<b>2013-28. ENACTMENT: ADOPT</b> Local Law Introductory Number 21-2012 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article IV, §2-7, Schedule G.	<u><b>MC</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2013-29. ENACTMENT: APPROVE</b> the issuance of a Certificate of Approval in a Historic District Re: 55 Main Street, Cold Spring Harbor – Cold Spring Harbor Historic District. ( <b>Applicant: Oyster Bay Management, LLC</b> ) (SCTM# 0400-063.00-02.00-006.000)	<u><b>MC</b></u> <u><b>MM</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<b>2013-30. ENACTMENT: ADOPT</b> Local Law Introductory No. 22-2012 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions), Article IV (Commercial Districts) and Article XIV (Signs and Advertising Devices).	<u><b>MC</b></u>	<u><b>EC</b></u>	<b>4-AYES</b> <b>1-ABST</b> <u>(SB)</u>
<b>2013-31. ENACTMENT: ADOPT</b> Local Law Introductory Number 20-2012, considering Zone Change Application #2010-ZM-384, Post Time Realty, Inc., to change the zoning from R-5 Residence District and C-6 General Business District to C-6 General Business District for properties located on the north side of Railroad Street, west of Greenlawn-Broadway, Greenlawn, SCTM # 0400-106-01-034 & 035, and issuing a negative declaration for said action to rezone. (Re: 11 Railroad Street Realty LLC)	<u><b>FP</b></u>	<u><b>MC</b></u>	<u><b>5</b></u>
<b>2013-32. SCHEDULE A PUBLIC HEARING: February 5, 2013 at 7:00 PM</b> To consider awarding a franchise agreement to conduct 2013 youth sports programs for the Town of Huntington Department of Parks and Recreation. (Re: US Sports Institute, Inc. for a period of two years)	<u><b>SB</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<b>2013-33. SCHEDULE A PUBLIC HEARING: February 5, 2013 at 7:00 PM</b> To consider awarding a franchise agreement to conduct science camps and programs for the Town of Huntington Department of Parks and Recreation. (Re: Sciensational Workshop for Kids, Inc. for a period of two years)	<u><b>MM</b></u> <u><b>SB</b></u>	<u><b>FP</b></u> <u><b>EC</b></u>	<u><b>5</b></u>

**AGENDA FOR TOWN BOARD  
MEETING DATED: JANUARY 8, 2013**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2013-34. SCHEDULE A PUBLIC HEARING: February 5, 2013 at 7:00 PM</b> To reconsider the application of Seamus Coyle for a Certificate of Approval in a Historic District; Re: 114 Prime Avenue, Huntington-Mill Lane Historic District. (SCTM# 0400-071.00-02.00-083.000)	<u>MC</u>	<u>FP</u>	<u>5</u>
<b>2013-35. SCHEDULE A PUBLIC HEARING: February 5, 2013 at 7:00 PM</b> To consider adopting Local Law Introductory Number 1 - 2013, amending the Code of the Town of Huntington, declaring a ninety-day moratorium on the issuance of approvals, grants and/or conditional use permits by Town agencies Re: construction or installation of wind turbines and related facilities.	<u>MC</u>	<u>MM</u>	<u>5</u>
<b>MOTION TO ADD RESOLUTION # 2013-36 TO THE AGENDA TO APPOINT A TOWN ATTORNEY.</b> (Cindy Elan-Mangano, Esq., Town Attorney and Patricia Flynn, Esq. and Margaret I. Pezzino, Esq., Co-Deputy Town Attorneys)	<b>MOTION DEFEATED</b> 2-AYES (SB) (MM) 3-NOES (FP) (MC) <u>(EC)</u>		
<b>MOTION TO ADD RESOLUTION #2013-37 TO THE AGENDA TO APPOINT A TOWN ATTORNEY.</b> (Cindy Elan-Mangano, Esq., Town Attorney)	<u>SB</u>	<u>MM</u>	<u>EC</u>
<b>MOTION TO AMEND THE MOTION TO ADD RESOLUTION #2013-37 TO THE AGENDA TO APPOINT A TOWN ATTORNEY.</b> (David Reilly, Esq., Town Attorney and Cindy Elan-Mangano, Esq., Deputy Town Attorney)	<b>MOTION TO AMEND FAILS</b> NO SECOND <u>FP</u>		
<b>MOTION TO AMEND THE MOTION TO ADD RESOLUTION #2013-37 TO THE AGENDA TO APPOINT A TOWN ATTORNEY.</b> (Robert Lifson, Esq., Town Attorney and Cindy Elan-Mangano, Esq., Deputy Town Attorney)	<b>MOTION TO AMEND FAILS</b> 2-AYES (MC) (FP) 3-NOES (SB) (MM) <u>(EC)</u>		
	<u>MC</u>	<u>FP</u>	<u>EC</u>

**AGENDA FOR TOWN BOARD  
MEETING DATED: JANUARY 8, 2013**

**RESOLUTIONS:**

**OFF. SEC. VOTE**

**MOTION TO ADD RESOLUTION #2013-37 TO THE AGENDA  
TO APPOINT A TOWN ATTORNEY.**

**3-AYES**

**(SB)**

**(MM)**

**(EC)**

**2-NOES**

**SB**

**(FP)**

**MM**

**EC**

**(MM)**

**2013-37. APPOINT Town Attorney.  
(Re: Cindy-Elan Mangano, Esq.)**

**3-AYES**

**(SB)**

**(MM)**

**(EC)**

**2-NOES**

**SB**

**(FP)**

**MM**

**EC**

**(MC)**



**AGENDA FOR BOARD OF TRUSTEES'  
MEETING DATED: JANUARY 8, 2013**

**RESOLUTIONS:**

**2012-BT1. AUTHORIZE** the Comptroller to pay 2012/2013 Town of Huntington taxes on Board of Trustee-owned property.

<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
	<b>FP</b>	
<b><u>MC</u></b>	<b><u>EC</u></b>	<b><u>5</u></b>

**AGENDA FOR COMMUNITY DEVELOPMENT AGENCY  
MEETING DATED: JANUARY 8, 2013**

**RESOLUTIONS:**

**OFF. SEC. VOTE**

**2013-CD1. APPOINT** a Director of the Community Development Agency.  
(Re: Joan Cergol)

**MC**    **SB**    **5**

**2013-CD2. DESIGNATE** check signers for Agency accounts.  
(Re: Frank P. Petrone, Chairman; Joan Cergol, Director; Bruce Grant,  
Deputy Director)

**MC**    **MM**    **5**

# INFORMATIONAL SHEET FOR TOWN BOARD MEETING

DATED: JANUARY 8, 2013

## COMMUNICATION

1. Letters received Certified Mail – Applying for Liquor Licenses:  
From: Henry Warokomski for Doppio Huntington Holdings LLC for name to be determined (24 Clinton Avenue, Huntington); From: Robert Pollifrome for Buoy One (279 Main Street, Huntington);
2. Letters received Certified Mail – Renewal for Liquor Licenses:  
From: Edwin Cavanagh for Larkfield Lanes; From: Kevin Morrison for Morrison's Shamrock Pub; From: Steve Souflilis for Mediterranean Snack Bar, Inc.; From: Kristopher Wolff for Fredericks Restaurant (Wilfang Restaurant Corporation); From: Stephen Beitz for Huntington Country Club; From: Michele Spinelli for Spinelli's Pizza & Restaurant;
3. Letters received from James Cameron, Founder of Preserving Elwood Now, attached were form letters opposed to the Engel Burman Group application for a zone change for the Oak Tree Dairy property located on Elwood Road in East Northport. Letters opposed received from: Bruce Herlich, Brian Demato, Thomas Zeis, Agnes Michaelis, Linda Wilson, Kurt Schlund, Dorion Schlund, Diana Smith, Helen Gorski, Konrad Burgerl, Sheila Smith, James E. Smith, June Rowland, Mary Jane Mackey, Ann Maguire, John Montiel, Nina Zotter, Raymond/Laura Prochaska, Jesse Tomeo, Fred Hamaen, Richard Resua, Teresa/Anthony Caruso, Ralph Pape, Lydia Fries, Dorothy Brindle, Helen Shaw, Arthur Gebbia, Marion Perneti, Anne Dillworth, Jerome Litwack, L.M. Wilhelmsen, Admira Fullerton, Mary Howard, Eileen Koford, Raymond Ortiz, Bonnie Witthahn, Debra Bacotti, Philip Benardello, Judith Winard, John Bacotti, Judith Winard, M. Cumo, Henry DeMartino, Sal/Anna Damasco, Y. Yoo, M. Yoo, Donna Resua, Albert Santoro, Steven Jarrell, John Motta, Sherry McNally, Karen Alu, Elizabeth Claffey, Joseph Caruso, Teresa Wukich, Sean Flanagan and Charles Hickmann.
4. Letter received from Mary Jane Mackey and Walter Rabe, Co-Presidents of the Elwood Taxpayers Association, regarding the change of zone for the Oak Tree Dairy. At a recent meeting, the majority of the members present agreed that the project was too expansive for the area.
5. Certificate of Canvass received from Leigh Ann Varese, District Secretary/Chairman of the Election for the Centerport Fire District. Gustave Zeis was elected Fire Commissioner for a term of 5 years.
6. Letter received from Rob Ciatto, Senior Director for Citizens (under the auspices of New York State Office for People with Developmental Disabilities) regarding the proposed individualized residential alternative (community residence) that is being proposed for 12 Manor Road North, Greenlawn, New York.

## ACTION

Supervisor  
Town Board  
Town Attorney  
Public Safety  
Fire Inspector  
Engineering Services  
Planning & Environment  
cc: Sewage Treatment Facility

Supervisor  
Town Board  
Town Attorney  
Public Safety  
Fire Inspector  
Engineering Services  
Planning & Environment  
cc: Sewage Treatment Facility

Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment

Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment

Supervisor  
Town Board  
Town Attorney  
cc: Fire Inspector

Supervisor  
Town Board  
Town Attorney  
Human Services  
Engineering Services  
Planning & Environment  
cc: Community Development Agency

7. Post cards received in opposition to the zone change for the Oak Tree Farms on Elwood Road in Elwood. Post cards received from Ralph LaMacchia, Vince Leto, Ann Lubben, Mike Panta, Cynthia Panza, Erin Van de Merlen, Fred/Loretta Hamann, William/Joan Panzella, S. Brian Wilson, Marilyn Zanelli, Nina/Rudy Zotter, Thomas Van de Merlen, Stephen/Laurie Alu, Richard Kleinschuster, Walter Rabe , MaryEllen/Mark Pulito.Laura Clarke, Linda/John Umbach, Jennifer/Frank Capodacqua, Steve Tuccress, Brian/Leslie DeBock and Adrienne Lynn Brown.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
8. Various letters hand delivered, from resident Marie Rendely. A) Letter was addressed to Joe Cline of the Building Department, requesting her building permit, with the proper releases from the Town Attorney's Office. B) Letter was addressed to Andrew Persich, FOIL request was made for all expenditures and records with the comptroller in regards to the Article 78 proceeding – Rendley vs Town of Huntington. C) Letter was addressed to the Town Attorney's Office, FOIL request for review of all documents and records in regards to the Article 78 Proceeding – Rendley vs Town of Huntington. D) Letter addressed to the Town Attorney's Office, FOIL request for review of all Town litigation courts cases 2002 to the present. E) Letter addressed to Jo-Ann Raia, requesting that the two FOIL requests copies that were attached be distributed. The first FOIL was addressed to Kenneth Lindahl or Dennis Ryan and it is requesting viewing of all the policy orders, rules and/or law that is requiring Wayne Rendely and Marie Rendely be escorted in Town Hall whenever they do business with various departments. The second FOIL request is addressed to Deirdre Butterfield and is requesting to view the instructions and designations of each colored page of the Freedom of Information form. Also, she is requesting a list of all the current FOIL officers for all the departments. F) FOIL request for the list of the current Board of Ethics members, date, time and place of the next meeting and how often they meet.
- Supervisor (A-F)  
Town Board(A-F)  
Town Attorney(A-F)  
Engineering Services(A-B)  
Comptroller (B)  
cc: Public Safety (E)
9. Letter received from Gregg Praetorius in support of the Engel Burman Project in Elwood.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
10. Memorandum received from Bryan Monaghan, Town Assessor, advising of his resignation effective December 28, 2012.
- Supervisor  
Town Board  
Town Clerk  
cc: Personnel
11. Memorandum received from John J. Leo, Town Attorney, advising of his resignation effective December 31, 2012.
- Supervisor  
Town Board  
Town Clerk  
cc: Personnel
12. Email received from James Cameron, Co-Founder for Preserving Elwood Now, regarding the downzoning of Oak Tree Dairy Property in Elwood. The writer is requesting that this application be denied.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
Highway  
cc: Planning & Environment
13. Letter,hand delivered, received from Marie Rendely, regarding a second FOIL request with respect to the current practice of requiring an escort for her or her husband when they are in Town Hall.
- Supervisor  
Town Board  
Town Attorney  
cc: Public Safety

14. Letter, hand delivered, received from Marie Rendely, regarding release of a Building Permit as per the Court Decisions on the Article 78 Proceeding – Rendely vs. Town of Huntington.
- Supervisor  
Town Board  
Town Attorney  
cc: Engineering Services
15. Memorandum from Johanna Stewart-Suchow, Assistant Town Attorney, advising of her resignation effective January 4, 2013.
- Supervisor  
Town Board  
Town Attorney  
cc: Personnel
16. Letter received from John J. Breslin, Jr., Esq regarding the Zone Change Application of Post Time Realty (2010-ZM-384). He is the attorney representing the applicant in this zone change. The applicant was upset by comments made at the Public Hearing stating that the property was not well maintained. Mr. Breslin indicates his client is meticulous about his properties and included photos of the property.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
17. Email received from Patricia/Robert Rocklein, with a copy of a letter attached, expressing their opposition to the Engel Burman Zone Change application for the Oak Tree Dairy site in Elwood.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
18. Letter hand delivered from Joanne Walsh regarding bamboo. The writer would like to have legislation passed to regulate bamboo. There was also information about bamboo attached.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
19. Email received from Edward Franz regarding Resolution # 2012-501. The writer indicates the law should be strengthened and that it will open up requests for additional signs from other shopping centers.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
20. Letter received from the Association of Town advising the annual meeting will be held February 17-20, 2013 at the Hilton New York & Towers in New York City.
- Supervisor  
Town Board  
Town Attorney  
Comptroller  
Engineering Services  
Assessor  
Receiver of Taxes  
Highway  
Traffic & Transportation  
cc: Planning & Environment
21. Letter received from S. Brian Wilson in opposition to the Engel Burman project.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
22. Memoranda received from Lynn Pincomb, Village Administrator for Huntington Bay regarding A) Public Hearing to be held on 1/14/2013 at 7:30 PM re: 54 Bay Crest for various construction. B) Public Hearing to be held on 1/17/2013 at 7:30 PM re: 1 Woodland Drive for new dwelling and height variance.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment

2013-1

RESOLUTION ADOPTING VARIOUS ACTIONS OF THE TOWN BOARD FOR  
THE YEAR 2013

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILMAN MAYOKA**

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to pay 2012/2013 Town of Huntington Taxes on Town-owned property in the amount not to exceed the budgeted amount of TWENTY-FIVE THOUSAND AND NO/100 (\$25,000.00) DOLLARS to be charged to Operating Budget Item A1950-4170; and

HEREBY DESIGNATES the following institutions as bank depositories for the calendar year 2013: Bank of America, Capital One Bank, JP Morgan Chase Bank, Citibank, N.A., First National Bank of Long Island, HSBC Bank, M&T Bank, New York Commercial Bank, State Bank of Long Island, Suffolk County National Bank, TD Bank, Wachovia Bank, NA, Flushing Commercial Bank; Herald National Bank; Community National Bank; Gold Coast National Bank; and

HEREBY AUTHORIZES the Supervisor and Comptroller to sign checks by use of a facsimile signature machine; and

HEREBY DELEGATES the power to authorize attendance by employees at conferences, conventions and schools in accordance with the provisions of Section 77-B of General Municipal Law, to the Supervisor, effective up to and including December 31, 2013; and

HEREBY APPOINTS, pursuant to General Municipal Law 104-b(2)(f) effective January 1, 2009, specifies that municipalities must identify the individual responsible for purchasing on behalf of the Town. The Town appoints Lori E. Finger, Director of Purchasing with the purchasing responsibility for the Town; and

HEREBY APPOINTS New York Municipal Advisors Corporation, 50 Jackson Avenue, Syosset, New York 11791, as Fiscal Advisors for bonding issues; and

HEREBY APPOINTS Nixon Peabody, LLP, 437 Madison Avenue, New York, NY 10002-7001 and Hawkins, Delafield & Wood, One Chase Manhattan Plaza, 42<sup>nd</sup> Floor, New York, NY 10005, Harris Beach PLLC, The Omni, Uniondale, NY 11553, as bond counsel for bonding issues; and

HEREBY RATIFYS Town Board Resolution No. 2012-543 effective January 1, 2012 to the extent it provided that all budgeted salaries for full time positions remaining vacant by attrition and/or retirement in the year 2012 be transferred into a General Contingency Account for the respective operating funds, and

HEREBY AUTHORIZES the Comptroller to transfer the funds for those positions into the General Contingency Account, and;

# 2013-1

HEREBY APPROVES the membership of the Huntington Community Development Agency, effective January 1, 2013, to be as follows: Supervisor Frank P. Petrone-1 year (balance), Councilwoman Susan A. Berland-3 year (balance), Councilman Eugene Cook – 3 year (balance); Councilman Mark A. Cuthbertson-1 year (balance); and Councilman Mark Mayoka-1 year (balance); and

HEREBY DESIGNATES, pursuant to the provision of Section 6, Article III of the Constitution and By-Laws of the Association of Towns, Councilwoman Susan A. Berland, as Principal and Councilman Eugene Cook, as Alternate to cast the vote of the Town of Huntington at the 2013 Annual Meeting of the Association of Towns in February; and

HEREBY APPOINTS Paul Mandelik, 35 Gull Hill Drive, Northport, New York 11768 as Chairman and Jane R. Devine, 145 Nassau Road, Huntington, New York 11743, Vice-Chairman of the Town of Huntington Planning Board, effective January 1, 2013 through December 31, 2013; and

HEREBY APPOINTS Christopher Modelewski, 18 Mar Kan Drive, Northport, New York 11768, as Chairman and Scott M. Frayler, 19 Central Street, Greenlawn, New York 11740, as Vice-Chairman of the Town of Huntington Zoning Board of Appeals, effective January 1, 2013 through December 31, 2013; and

HEREBY APPOINTS Randolph W. Spelman, 17 Robert Lenox Drive, Northport, New York 11768, to fill the expired term of Linda Thury, as a member of the Board of Assessment Review, effective January 1, 2013 through September 30, 2018; and

HEREBY DESIGNATES The Observer, 1 Brookside Dr., Smithtown, NY 11787 and The Long Islander, 149 Main Street, Huntington, NY 11743, as the Official Newspapers for the Town of Huntington for the year 2013; and directs the Town Clerk to send official notification to the Suffolk County Clerk and Clerk of the Suffolk County Legislature of said designations; and

HEREBY AUTHORIZES the Comptroller to make the budgetary amendments to the 2013 Operating Budget per attached Schedule A; and

HEREBY DETERMINES that the subjects of this resolution are not actions as defined by 6 NYCRR §617.2 (b) and therefore no further SEQRA review is required.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Schedule A

Decrease the Following Appropriations

<u>Org Code</u>	<u>Object Code</u>	<u>Amount</u>
A1010	1100	3,568
A1010	8020	273
A1010	8021	12
A1220	1100	4,508
A1220	8020	345
A1220	8021	15
A1315	1100	23,326
A1315	1100	4,688
A1315	8020	1784
A1315	8020	359
A1315	8021	79
A1315	8021	16
A1316	1100	6,754
A1316	8020	517
A1316	8021	23
A1330	1100	8,092
A1330	1100	4,688
A1330	8020	619
A1330	8020	359
A1330	8021	28
A1330	8021	16
A1345	1100	9,381
A1345	1100	7,239
A1345	8020	718
A1345	8020	554
A1345	8021	32
A1345	8021	25
A1355	1100	17,529
A1355	8020	1341
A1355	8021	60
A1357	1100	2,096
A1357	8020	160
A1357	8021	7
A1410	1100	6,972
A1410	1100	8,908
A1410	8020	533
A1410	8020	681
A1410	8021	24
A1410	8021	30
A1411	1100	3,367
A1411	8020	258
A1411	8021	11
A1415	1100	6,817
A1415	8020	521
A1415	8021	23
A1420	1100	7,706
A1420	1100	4,220
A1420	8020	590
A1420	8020	323
A1420	8021	26
A1420	8021	14
A1430	1100	6,304
A1430	8020	482
A1430	8021	21
A1431	1100	3,748
A1431	8020	287
A1431	8021	13
A1440	1100	17,432
A1440	1100	2,295
A1440	8020	1334
A1440	8020	176
A1440	8021	59



A1440	8021	8
A1490	1100	7,212
A1490	8020	552
A1490	8021	25
A1660	1100	6,542
A1660	8020	500
A1660	8021	22
A1680	1100	29,212
A1680	1100	9,377
A1680	8020	2235
A1680	8020	717
A1680	8021	99
A1680	8021	32
A3010	1100	1,597
A3010	8020	122
A3010	8021	5
A3120	1100	1,685
A3120	8020	129
A3120	8021	6
A3621	1100	7,106
A3621	1100	4,220
A3621	8020	544
A3621	8020	323
A3621	8021	24
A3621	8021	14
A5010	1100	10,837
A5010	1100	6,770
A5010	8020	829
A5010	8020	518
A5010	8021	37
A5010	8021	23
A5630	1100	4,529
A5630	8020	347
A5630	8021	15
A6010	1100	1,996
A6010	8020	153
A6010	8021	7
A6772	1100	16,389
A6772	1100	4,590
A6772	8020	1254
A6772	8020	351
A6772	8021	56
A6772	8021	16
A6773	1100	8,223
A6773	8020	629
A6773	8021	28
A6775	1100	2,150
A6775	1100	4,220
A6775	8020	164
A6775	8020	323
A6775	8021	7
A6775	8021	14
A7020	1100	15,737
A7020	1100	4,220
A7020	8020	1204
A7020	8020	323
A7020	8021	54
A7020	8021	14
A7115	1100	1,486
A7115	8020	114
A7115	8021	5
A7140	1100	4,306
A7140	8020	329
A7140	8021	15
A7141	1100	5,718
A7141	8020	437
A7141	8021	19

A7310	1100	13,278
A7310	1100	4,688
A7310	8020	1016
A7310	8020	359
A7310	8021	45
A7310	8021	16
A7450	1100	5,845
A7450	8020	447
A7450	8021	20
A7620	1100	9,346
A7620	1100	9,377
A7620	8020	715
A7620	8020	717
A7620	8021	32
A7620	8021	32
A7624	1100	3,905
A7624	1100	2,295
A7624	8020	299
A7624	8020	176
A7624	8021	13
A7624	8021	8
A8170	1100	13,731
A8170	8020	1050
A8170	8021	47
A8790	1100	4,870
A8790	8020	373
A8790	8021	17
A8845	1100	2,839
A8845	1100	4,220
A8845	8020	217
A8845	8020	323
A8845	8021	10
A8845	8021	14
B1620	1100	60,185
B1620	8020	4604
B1620	8021	205
B3310	1100	9,988
B3310	8020	764
B3310	8021	34
B3620	1100	7,175
B3620	8020	549
B3620	8021	24
B3622	1100	35,339
B3622	8020	2703
B3622	8021	120
B4020	1100	5,066
B4020	8020	388
B4020	8021	17
B8020	1100	43,163
B8020	8020	3302
B8020	8021	147
B8036	1100	4,755
B8036	8020	364
B8036	8021	16
DB5110	1100	10,983
DB5110	8020	840
DB5110	8021	37
SL5182	1100	7,346
SL5182	8020	562
SL5182	8021	25
SR8158	1100	1,664
SR8158	8020	127
SR8158	8021	6
SW18321	1100	2,900
SW18321	8020	222
SW18321	8021	10
A1990	1100	128,979

B1990	1100	38,063
A7620	1100	85,929
A7620	8020	6,574
A7620	8021	292
A8845	1100	73,812
A8845	8020	5,647
A8845	8021	251
A9070	8102	52,920
B9070	8102	31,080
A9060	8070	217,473
		1,268,133

Increase the Following Revenue

A2709		211,480
B2709		99,520
		1,579,133

Increase the Following Appropriations

A1989	8999	423,484
A1989	8999	211,480
A1989	8999	128,979
A1989	8999	159,741
A1989	8999	52,920
A1989	8999	230,236
B1989	8999	178,908
B1989	8999	99,520
B1989	8999	28,784
B1990	1100	38,063
DB1990	1100	14,157
SL1990	1100	7,933
SR1990	1100	1,797
SW11990	1100	3,132
		1,579,133

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AGREEMENTS FOR  
THE PROVISION OF VARIOUS YOUTH SERVICES ON BEHALF OF THE YOUTH  
BUREAU FOR THE YEAR 2013

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: Supervisor Petrone  
and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town of Huntington annually enters into contractual relationships with essential not-for-profit service providers in the Town of Huntington that offer assistance to all youth and families such as counseling, runaway and homeless youth services, homework help, recreational programs, employment and career planning, college prep and conflict resolution in the Town of Huntington funded through the Town's Youth Bureau; and

WHEREAS, the Town Board wishes to continue to maintain access to these services for its residents through programs provided by said not-for-profit organizations; and

WHEREAS, under Section 51 of Town Law, the Town Board of a suburban town shall be the appropriating governing body of said town and shall have and exercise all power and duties as are conferred or imposed upon it and one such power and duty is to approve all budgetary amendments; and

WHEREAS, the execution of youth services agreements is not an action as defined 6 NYCRR §617-2(b) and therefore no further SEQR review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor, on behalf of the Town of Huntington Youth Bureau, to execute agreements on such terms and conditions as may be acceptable to the Town Attorney for the provision of services pursuant to the Town's Comprehensive Youth Plan for the year 2013 with the following agencies:

<b>Tri Community and Youth Agency, Inc. (Region I).</b> West Hills Rd., Hunt., Sta., NY 11746	\$541,104.00
<b>Youth Directions and Alternatives, Community and Youth Agency, Inc. (Region II)</b> 7 Diane Court, E. Npt., NY 11731	\$394,177.00
<b>Regional Enrichment Agency of Commack and Half Hollow Hills, Community and Youth Agency, Inc. (Region III)</b> 525 Hall Hollow Rd., Dix Hills, NY 11746	\$310,310.00
<b>Family Service League of Suffolk County, Inc.</b> 790 Park Ave., Hunt., NY 11743	\$287,922.00

<b>Long Island Crisis Center, Inc.</b>	\$ 15,594.00
2740 Martin Ave., Bellmore, NY 11710	
<b>C.A.S.T. Program</b>	\$40,000.00
Tri-Community and Youth Agency, Inc. (Region I)	
West Hills Rd, Hunt. Sta., NY 11746	
<b>Huntington Youth Bureau Youth Development Research Institute, Inc. (Non Drug related)</b>	\$838,551.00
423 Park Ave., Hunt., NY 11743	
<b>Huntington Youth Bureau Youth Development Research Institute, Inc. (Drug related)</b>	\$795,342.00
423 Park Ave., Hunt., NY 11743	

BE IT UNDERSTOOD that services provided pursuant to the above agreements shall be financed with funds provided by the Town of Huntington (Operating Budget Items A7320.4001 & A4220.4001), Local Villages, the New York State Office of Children and Family Services, Suffolk County Youth Bureau, Dept. of Health and Human Services, Suffolk Dept. of Health; and

BE IT FURTHER RESOLVED that the Supervisor is authorized to execute amendments to these agreements in order to adjust the amounts approved in this resolution, based on changes in funding provided by County and State sources without additional contributions by the Town of Huntington, subject to such terms and conditions as may be acceptable to the Town Attorney; and

HEREBY AUTHORIZES the Comptroller to amend the Town's Operating Budget as necessary to reflect the changes in funding provided by County and State sources, upon execution of all required documentation, not to exceed the funded amount on the executed amendments.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE
Councilman Eugene Cook	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2013-3

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT TO SPEND TOWN  
HIGHWAY FUNDS FOR CALENDAR YEAR 2013

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: **COUNCILMAN MAYOKA**

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the execution of an agreement to spend Town Highway funds is a type II action pursuant to 6NYCRR §617.5(c)(20) & (25) and therefore no further SEQRA review is required.

THE TOWN BOARD, pursuant to §284 of Highway Law,

HEREBY AUTHORIZES the execution by the Supervisor, Councilpersons and Superintendent of Highways, of an agreement to spend Town Highway Funds for the calendar year 2013, in amounts not to exceed the following:

TWELVE MILLION THREE HUNDRED EIGHTY SEVEN THOUSAND ONE HUNDRED FOURTEEN AND NO/100 (\$12,387,114.00) DOLLARS for general repairs upon 784 miles of town highways, to be disbursed in accordance with the detailed appropriations set forth in the 2013 Operating Budget Item DB-5110 Highway Repairs; and

ONE MILLION THREE HUNDRED THIRTY SIX THOUSAND TWO HUNDRED SIXTY FIVE AND 00/100 (\$1,336,265.00) DOLLARS in New York State CHIPS funding (based upon receipt of said funding from the NYSDOT), to be charged n the 2013 Operating Budget Item DB5112-2000 Capital Highway Improvement Program for roadway improvements.

VOTE:        AYES: 5        NOES: 0        ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-4

AUTHORIZE SUPERVISOR TO ENTER INTO A CONTRACT WITH THE SUFFOLK COUNTY SHERIFF'S OFFICE TO RECEIVE FUNDING TO PARTICIPATE IN OPERATION SHIELD.

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, The New York State Office of Homeland Security has appropriated a pass through grant to the Suffolk Sheriff's Office to distribute to local law enforcement agencies for overtime costs to participate in "Operation Shield"; and

WHEREAS, "Operation Shield" is a program that requires participating law enforcement agencies to deploy officers to record, document and report all foreign flagged vessels transiting their respective jurisdictions to the New York State Department of Homeland Security; and

WHEREAS, overtime costs incurred by the Town of Huntington Harbor Master's Office will be reimbursed by the Suffolk County Sheriff's Office through the Operation Shield Grant; and

WHEREAS, it is not an action as defined by 6 N.Y.C.R.R. 617.2(b) and therefore no further SEQRA is required.

NOW THEREFORE,

THE TOWN BOARD

FURTHER AUTHORIZE, the Supervisor to enter into a contract with the Suffolk County Sheriff's Office to receive reimbursement funds for the Huntington Harbor Master's participation in "Operation Shield" and to execute any documents in connection therewith upon such terms and conditions as approved by the Town Attorney to be recorded in Operating Budget Revenue Item A3771.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-5

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN  
AGREEMENT WITH THE TOWN OF HUNTINGTON ECONOMIC  
DEVELOPMENT CORPORATION

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: Supervisor Petrone

And seconded by: **COUNCILMAN MAYOKA**

WHEREAS, via Town Board Resolution 2003-353, the Huntington Town Board authorized the formation of the Town of Huntington Economic Development Corporation; and

WHEREAS, via Town Board Resolution 2004-510, the Town Board accepted and adopted the Town of Huntington Economic Developments Corporation's report recommending various community-inspired projects in Huntington Station; and

WHEREAS, the Town Board wishes to enter into an agreement with the Town of Huntington Economic Development Corporation to continue to assist the Town in the realization of these projects and other economic development initiatives throughout the Town; and

WHEREAS, the execution of an agreement is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(20) and (c)(27), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with the Town of Huntington Economic Development Corporation, commencing on January 1, 2013 and terminating on December 31, 2013, for services related to assisting the Town in the enhancement of economic development, in an amount not to exceed THIRTY FIVE THOUSAND AND NO/100 DOLLARS (\$35,000.00), to be charged to Operating Budget Item A8684-4043, and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                      AYES:    5                      NOES:    0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED



2013-6

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE FRANCHISE AGREEMENT WITH BRICKS 4 KIDZ TO PROVIDE A HANDS-ON ENRICHMENT PROGRAM WHERE CHILDREN DESIGN AND CONSTRUCT MACHINES AND BUILDINGS USING LEGO BRICKS

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: **COUNCILMAN CUTHBERTSON, COUNCILWOMAN BERLAND**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town wishes to offer its residents a series of workshops utilizing lego bricks to build and construct buildings and machines; and

WHEREAS, Town Board Resolution 2010-578 granted a franchise agreement with Bricks 4 Kidz P.O. Box 23, Centerport, NY 11721 to offer educational workshops utilizing lego bricks; and

WHEREAS, said contract provides for a one (1) year extension at the same terms and conditions; and

WHEREAS, Bricks 4 Kidz has requested the one (1) year extension at the same terms and conditions; and

WHEREAS, the execution of an agreement is not an action under SEQRA as defined by 6 N.Y.C.R.R. §617.2 (b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the franchise agreement, and any documents in connection and related therewith, with Brick 4 Kidz to conduct Lego workshops for the Town and will pay the Town (15%) Fifteen Percent of the gross revenue received, to be deposited into Revenue Code A2006 for the term commencing June 1, 2013 and terminating June 1, 2014, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH SWEET HILLS EQUESTRIAN STABLES D/B/A SWEET HILLS EQUESTRIAN CENTER TO PROVIDE A HORSEBACK RIDING FACILITY AND LESSONS AT WEST HILLS PARK

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town of Huntington Department of Parks and Recreation wishes to continue offering horseback riding lessons to youth and adult residents of the Town of Huntington at West Hills Park in Huntington in the summer and fall seasons; and

WHEREAS, Town Board Resolution 2008-669 authorized the Supervisor to enter into an agreement with Sweet Hills Equestrian Stables, D/B/A Sweet Hills Equestrian Center, to provide a horseback riding facility and lessons at West Hills Park in Huntington; and

WHEREAS, the Town of Huntington Parks and Recreation Department recommends a new contract with Sweet Hills Equestrian Stables, D/B/A Sweet Hills Equestrian Center; and

WHEREAS, the Town of Huntington Department of Parks and Recreation shall advertise said program and register those who wish to enroll; and

WHEREAS, the Town agrees to pay Sweet Hills Equestrian ONE-HUNDRED THIRTY AND NO/CENTS (\$130.00) DOLLARS for each participant and the Town will charge each participant as follows:

Youth with Recreation Card	\$150.00
Youth without Recreation Card	\$175.00
Adult with Recreation Card	\$160.00
Adult without Recreation Card	\$185.00

WHEREAS, the execution of an agreement is not an action as defined by 6 NYCRR section 617.5(c)(20) and therefore no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to enter into an agreement with Sweet Hills Stables, D/B/A Sweet Hills Equestrian Center, 129 Palermo Street, Central Islip NY 11722 to provide a horseback riding facility and lessons at West Hills Park in Huntington.

2013 -7

The contract period shall be effective upon execution of the contract through December 31, 2014 with two 1 (one) year options to renew at the discretion of the Town, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013- 8

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A REQUIREMENTS CONTRACT FOR THE TOWN WIDE ALARM SYSTEM REPAIR, INSTALLATION, SERVICE AND CENTRAL STATION MONITORING WITH GENERAL SECURITY, INC.

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: **COUNCILMAN MAYOKA**

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town requires a trained, certified alarm service company to provide 24 hour monitoring services, on an as needed basis, for fire, burglary, water monitoring and panic alarm systems at designated Town of Huntington facilities. The Town of Huntington owns and operates facilities where existing fire or burglary/intrusion alarm systems, or both, may be required to be repaired or upgraded; and

WHEREAS, sealed bids were received on December 20, 2012, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the town wide alarm system repair, installation, service and central station monitoring, Bid No. TOH 12-12R-079 and the same were opened publicly and read aloud; and

WHEREAS, General Security, Inc., 100 Fairchild Avenue, Plainview, New York 11803 is the lowest responsive, responsible bidder; and

WHEREAS, town wide alarm system repair, installation, service and central station monitoring is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a requirements contract, and any documents in connection and related therewith, with General Security, Inc. for the town wide alarm system repair, installation, service and central station monitoring. The contract period shall be effective for a two (2) year term commencing upon execution of the contract but not before February 3, 2013 and upon mutual agreement of the vendor and the Town, the contract may be extended for one (1) additional one (1) year period under the same prices, terms and conditions, to be charged to the various operating budgets in object code 4280, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

*(town wide alarm repair service)*  
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2013- 9

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR THE SEA SPRAY DRIVE BULKHEAD RECONSTRUCTION WITH AMMA CONSTRUCTION CORP.

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, a portion of the Town's drainage system that collects stormwater runoff from Sea Spray Drive in Centerport and delivers it to Northport Harbor, as well as a former bulkhead located in a drainage easement within the Sea Spray Civic Homeowners Association's right-of-way, has collapsed due to age and the effects of decades of dredging, thereby impairing the Town's drainage system and the Homeowners Association's dock and pilings; and

WHEREAS, in light of applicable New York State Department of Environmental Conservation permit requirements and altered shoreline topography from dredging, the best way to prevent further erosion of the shoreline is through steel sheeting; and

WHEREAS, the Town's drainage system and associated damage to the Homeowners Association's right-of-way must be repaired, this contract provides for all necessary labor, equipment and materials to perform bulkhead construction and drainage improvements including installation of steel sheeting, gabion pads, removal and replacement of a portion of an existing concrete pipe, dock and pilings. All work shall be performed in in compliance with a New York State Department of Environmental Conservation permit which precludes working from the water and requires all work landward of the former headwall, and in accordance with Town of Huntington requirements and construction specifications; and

WHEREAS, sealed bids were received on December 27, 2012, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the Sea Spray Drive bulkhead reconstruction, Contract No. HWY 2012-11 /O-E and the same were opened publicly and read aloud; and

WHEREAS, Amma Construction Corp., 192 West 9<sup>th</sup> Street, Huntington Station, NY 11746 is the lowest responsive, responsible bidder; and

WHEREAS, the Sea Spray Drive bulkhead reconstruction is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1) and (c)(2), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

2013-9

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Amma Construction Corp. for the Sea Spray Drive bulkhead reconstruction. The contract period shall be effective upon the execution of the contract until September 1, 2013, for an amount not to exceed the sum of ONE HUNDRED ELEVEN THOUSAND NINE HUNDRED AND NO/100 (\$111,900.00) DOLLARS, to be charged to HW 5197 2103 01503, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-10

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR OVERHEAD AND ROLLUP DOOR REPAIRS AND SERVICE WITH SUPERIOR OVERHEAD DOOR, INC.

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILMAN COOK**

WHEREAS, it is the intent of this requirements contract to provide repair service and general maintenance to a wide variety of overhead and rollup doors, as required by various Town facilities to ensure that all doors are operating in good working order; and

WHEREAS, Town Board Resolution 2011-48 authorized the execution of a contract with Superior Overhead Door, Inc., for overhead and rollup door repairs and service, Bid No. TOH 11-01R-001; and

WHEREAS, said requirements contract provides for two (2) one (1) year extensions with no increase in the bid price or change in the terms and conditions; and

WHEREAS, Superior Overhead Door, Inc., 309 Magnolia Drive, Selden, New York 11784 has requested the final one (1) year extension; and

WHEREAS, the authorization to extend a contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a final extension to the requirements contract, and any documents in connection and related therewith, with Superior Overhead Door, Inc. for overhead and rollup door repairs and service. The extension period shall be effective for one (1) year commencing on March 9, 2013 to be charged to various operating budgets in object code .4650, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



2013- 11

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH H2M LABS INC. TO PROVIDE ANNUAL LABORATORY WASTEWATER ANALYSIS SERVICES FOR 2013 FOR THE HUNTINGTON SEWER DISTRICT

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: **COUNCILMAN MAYOKA**

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Huntington Sewer District is required by Federal and State law to provide laboratory wastewater analysis data for the Huntington Sewage Treatment Plant to State and County regulatory agencies and such services must be completed by certified providers; and

WHEREAS, H2M Labs Inc. is certified to provide such wastewater sampling and analysis by the New York State Department of Health and has submitted a proposal to provide laboratory services for the Huntington Sewer District for 2013; and

WHEREAS, the Department of Environmental Waste Management has evaluated H2M Labs Inc.'s proposal and found them to be highly qualified to provide laboratory services to the Huntington Sewer District; and

WHEREAS, the proposed action has been classified as a Type II Action pursuant to 6 NYCRR Part 617.5 (c) (18), (20) and no further action is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the execution of an agreement and any documents in connection and related therewith with H2M Labs Inc., 575 Broad Hollow Road, Melville, New York 11747, to provide wastewater analysis laboratory services for the Huntington Sewer District for 2012 for an amount not to exceed the sum of THIRTY THOUSAND TWO HUNDRED FORTY THREE AND NO/100 (\$30,243.00) DOLLARS to be charged to Operating Budget Item SS1-8131.4550 for a term from January 1, 2013 through December 31, 2013 and upon such other terms and conditions as approved by the Town Attorney.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



2013-12

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH H2M LABS, INC. FOR THE PROVISION OF 2013 ANNUAL LABORATORY SERVICES FOR THE DIX HILLS WATER DISTRICT

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by **COUNCILMAN COOK**

WHEREAS, the Dix Hills Water District is required to provide water quality testing at regular intervals for specified routine and special program parameters; and

WHEREAS, H2M Labs, Inc. is a local laboratory certified by the New York State Health Department to provide all of the testing required by law for the Dix Hills Water District; and

WHEREAS, H2M Labs, Inc. has satisfactorily provided this service to the Dix Hills Water District for over forty five years; and

WHEREAS, water quality studies are a Type II action pursuant to SEQRA, 6 NYCRR §617.5(c)(18) and (20), and therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the execution of an agreement with H2M Labs, Inc., 575 Broad Hollow Road, Melville, New York 11747 for provision of 2013 annual laboratory services for the Dix Hills Water District for an annual estimated fee not to exceed THIRTY FIVE THOUSAND AND NO/100 (\$35,000.00) DOLLARS to be charged to Operating Budget Item SW1-8321-4550, for services to include routine well and distribution testing and additional special testing as authorized by the Director of Engineering Services, upon such terms and conditions acceptable to the Town Attorney.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-13

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH HOLZMACHER, MCLENDON & MURRELL, P.C. FOR 2013 ANNUAL RETAINER SERVICES FOR THE DIX HILLS WATER DISTRICT

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: COUNCILMAN MAYOKA, COUNCILMAN CUTHBERTSON, COUNCILWOMAN BERLAND

and seconded by SUPERVISOR PETRONE, COUNCILMAN COOK

WHEREAS, Holzmacher, McLendon & Murrell, P.C. (H2M Group) has been the consultant to the Dix Hills Water District for many years, possesses the requisite knowledge and expertise to continue such consulting services and has performed its services successfully; and

WHEREAS, Holzmacher, McLendon & Murrell, P.C. has submitted a proposal for 2013 Retainer Services acceptable to the Department of Engineering Services; and

WHEREAS, pursuant to SEQRA, 6NYCRR, Section 617.5(c)(20), routine or continuing agency administration and management is a Type II action and, therefore, no further review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with Holzmacher, McLendon & Murrell, P.C. (H2M Group), 575 Broad Hollow Road, Melville, New York 11747 for 2013 retainer services for the Dix Hills Water District; for an annual fee not to exceed FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS, to be charged to Operating Budget Item No. SW1-8321-4550, upon such terms and conditions acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-14

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH R & C FORMATION, LTD. FOR GROUNDWATER AND SURFACE WATER MONITORING IN COMPLIANCE WITH THE RECORD OF DECISION FOR THE EAST NORTHPORT LANDFILL.

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: Councilman Mayoka

and seconded by: Councilwoman Berland, Councilman Cook

WHEREAS, the Town of Huntington is required by a Record of Decision (ROD) to provide bi-annual sampling, analysis, and reporting of eleven groundwater monitoring wells and seven surface water locations of the known leachate plume of the East Northport landfill. This work has been provided by an outside consultant since the ROD was established in 1996, and periodically the Town solicits proposals for these professional services; and

WHEREAS, R & C Formation Ltd., has submitted a proposal for groundwater and surface water sampling, reporting, and analysis for the East Northport Landfill and the Department of Environmental Waste Management has evaluated the proposal and found it acceptable; and

WHEREAS, groundwater and surface water sampling, reporting, and analysis for the Town of Huntington East Northport landfill is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c)(18) and (c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement, and any documents in connection and related therewith, with R & C Formation Ltd., 171 Deer Park Avenue, Babylon, New York 11702 for professional services in conjunction with groundwater and surface water sampling, reporting, and analysis for the Town of Huntington East Northport landfill. The agreement period shall have an effective term commencing upon January 1, 2013 through December 31, 2013 and upon such terms and conditions as approved by the Town Attorney and at the discretion of the Town Board, not to exceed the annual sum of NINETEEN THOUSAND TWO HUNDRED AND NO/100 (\$19,200.00) DOLLARS to be charged to the East Northport Landfill-Post Closure Maintenance operating budget line A 8166 4550.

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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-15

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH  
THE HUNTINGTON COMMUNITY FIRST AID SQUAD, INC., FOR EMERGENCY  
MEDICAL AND AMBULANCE SERVICES TO THE HUNTINGTON COMMUNITY  
AMBULANCE DISTRICT

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN MAYOKA, COUNCILWOMAN BERLAND**

WHEREAS, funding in the amount of ONE MILLION EIGHT HUNDRED TWENTY EIGHT THOUSAND FOUR HUNDRED THIRTY FOUR AND NO/100 (\$1,828,434.00) DOLLARS has been allocated for the Huntington Community Ambulance District in the 2013 Operating Budget Item SM2-4542.4001; and

WHEREAS, the Huntington Community First Aid Squad, Inc., has provided emergency medical and ambulance services to the Huntington Community Ambulance District; and

WHEREAS, it is in the best interests of the residents of said district to continue to receive such services from the Huntington Community First Aid Squad, Inc.; and

WHEREAS, the execution of this contract is not an action as defined by 6 N.Y.C.R.R. §617.2(b), and therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Town Board, on behalf of the Huntington Community Ambulance District to execute an agreement with the Huntington Community First Aid Squad, Inc. for emergency medical and ambulance services for the term beginning January 1, 2013 and ending December 31, 2013, at a cost of ONE MILLION EIGHT HUNDRED TWENTY EIGHT THOUSAND FOUR HUNDRED THIRTY FOUR AND NO/100 (\$1,828,434.00) DOLLARS to be charged to 2013 Operating Budget Item SM2-4542.4001 in two equal installments to be submitted by voucher on February 28, 2013 and June 30, 2013, and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-16

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH  
THE COMMACK VOLUNTEER AMBULANCE CORPORATION FOR  
EMERGENCY MEDICAL AND AMBULANCE SERVICES TO THE COMMACK  
AMBULANCE DISTRICT

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILWOMAN BERLAND

WHEREAS, funding in the amount of FOUR HUNDRED SEVENTY SEVEN THOUSAND TWENTY SEVEN AND NO/100 (\$477,027.00) DOLLARS has been allocated for the Commack Ambulance District in the 2013 Operating Budget Item SM1-4541.4001; and

WHEREAS, the Commack Volunteer Ambulance Corporation has provided emergency medical and ambulance services to the Commack Ambulance District; and

WHEREAS, it is in the best interests of the residents of said district to continue to receive such services from the Commack Volunteer Ambulance Corporation; and

WHEREAS, the execution of this contract is not an action as defined by 6 N.Y.C.R.R. §617.2(b), and therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Town Board, on behalf of the Commack Ambulance District, to execute an agreement with the Commack Volunteer Ambulance Corporation for emergency medical and ambulance services for the term beginning January 1, 2013 and ending December 31, 2013, at a cost of FOUR HUNDRED SEVENTY SEVEN THOUSAND TWENTY SEVEN AND NO/100 (\$477,027.00) DOLLARS to be charged to 2013 Operating Budget Item SM1-4541.4001 in two equal installments to be submitted by voucher on February 15, 2013 and August 1, 2013, and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                      AYES: 5              NOES: 0              ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-17

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT FOR THE PROVISION OF CONSULTING SERVICES FOR TOWN AND BOARD OF TRUSTEES PROPERTY AND CONTRACT/FRANCHISE MATTERS

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town Board believes that professional property consulting services has enhanced the management of Town and Board of Trustees properties and contract/franchise matters; and

WHEREAS, the Town Board is desirous of retaining the services of a consultant to insure the continued improvement of the management of such properties and contract/franchise matters; and

WHEREAS, the subject of this resolution is not an action as defined by 6 N.Y.C.R.R. 617.2 (b), and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD,

HEREBY AUTHORIZES the Supervisor to execute an agreement with Robert G. Fonti, 40 Spring Hill Road, Cold Spring Harbor, New York 11724, for consulting services for Town and Board of Trustees property and contract/franchise matters, for a period of one (1) year commencing on January 1, 2013 and terminating on December 31, 2013, for an amount not to exceed SIXTY TWO THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$62,400.00) to be charged to Operating Budget Item C1950-4550, and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                      AYES:4                      NOES: 1                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	NO
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



2013-18

RESOLUTION AUTHORIZING TOWN ATTORNEY TO ENTER INTO A COMPENSATION AGREEMENT FOR THE PAYMENT OF COMPENSATION AND EXPENSES OF RANDY J. SCHAEFER, ESQ. AS TEMPORARY RECEIVER, PURSUANT TO THE ORDER OF DISTRICT COURT JUDGE, HONORABLE C. STEPHEN HACKELING, IN THE MATTER OF THE PEOPLE OF THE STATE OF NEW YORK v. BREEN 1 LLC, INDEX NUMBER HUTO 806-09, RE: CODE VIOLATIONS AT 8 JUDITH DRIVE, GREENLAWN, NEW YORK (SCTM No. 0400-166-04-043)

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town of Huntington commenced prosecution against Breen 1 LLC in Suffolk County, Third District Court culminating in a hearing before Honorable C. Stephen Hackeling, and a decision and Order of the Court, dated August 8, 2012, appointing, a Temporary Receiver over 8 Judith Drive, Greenlawn, NY (subject premises); and

WHEREAS, the Court authorized the Temporary Receiver to take action(s) necessary to bring the premises into compliance with the Huntington Town Zoning and Housing Code; and

WHEREAS, Randy J Schaefer, Esq., 100 Jericho Quadrangle, Suite 300, Jericho, New York, 11753 was appointed temporary receiver by Honorable C. Stephen Hackeling; and

WHEREAS, the subject of this resolution is a Type II action pursuant to 6 NYCRR 617.5 (c) (20) and (29) therefore no further SEQRA review is required.

NOW, THEREFORE BE IT RESOLVED

RESOLVED, that the Town Board hereby authorizes the Town Attorney to enter into a compensation agreement for the payment of compensation and expenses to Randy J. Schaefer, 100 Jericho Quadrangle, Suite 300, 11753, as temporary receiver of the property known as 8 Judith Drive, Greenlawn, New York 11740 (SCTM No. 0400-166-04-043) and to seek recovery of said charges and expenses of the temporary receiver associated with compliance with the Order of August 8, 2012 by placing said charges on the Real Property Tax Bill of the subject premises as directed in the Decision and Order of Judge C. Stephen Hackeling, dated August 8, 2012 .

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



2013-19

RESOLUTION AUTHORIZING THE TOWN OF HUNTINGTON TO SETTLE THE  
MATTER OF STACEY HILL v. FENCE MAN, INC., THE TOWN OF HUNTINGTON  
AND TOWN OF HUNTINGTON HIGHWAY DEPARTMENT,

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: **COUNCILMAN MAYOKA**

And seconded by: **COUNCILMAN COOK**

WHEREAS, a claim is presently pending as and between Stacey Hill and Fence Man, Inc., the Town of Huntington and, Town of Huntington Highway Department in Suffolk County Supreme Court Index No.: 07-8281 and the parties are desirous to enter into a settlement and resolution of the above matter; and

WHEREAS, the Town Attorney has determined it to be in the Town's best interest to settle this matter for a total of FIFTY THOUSAND and NO/100 (\$50,000.00) DOLLARS for strategic purposes with no admission of liability on the part of the Town of Huntington and Town of Huntington Highway department; and

WHEREAS, the Plaintiff has agreed to accept FIFTY THOUSAND and NO/100 (\$50,000.00) DOLLARS in full settlement of her claim; and

WHEREAS, all parties have agreed to this settlement subject to the approval of the Town Board; and

WHEREAS, the settlement of this lawsuit is not an action as defined by SEQRA in 6 N.Y.C.R.R. 617.2(b), and therefore, no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to issue a check in settlement of this matter, not to exceed a total of FIFTY THOUSAND and NO/100 (\$50,000.00) DOLLARS pending receipt of closing papers therein, applied against Operating Budget Item. A1930-4160 and authorizes the Town Attorney to execute all documents required to effectuate this settlement.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE TOWN OF HUNTINGTON TO SETTLE THE  
MATTER OF CHRISTIAN J. ROCCANOVA AND JOSEPH T. ROCCANOVA v.  
FRANK LUCIANO, PATRICIA LUCIANO AND THE TOWN OF HUNTINGTON.

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-21

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2013  
OPERATING BUDGET AND APPROPRIATE FUND BALANCE FOR THE TOWN  
OF HUNTINGTON AND ITS SPECIAL DISTRICTS – CULTURAL AFFAIRS  
(PUBLIC ART INITIATIVE)

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: Supervisor Petrone **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Public Art Initiative (A-7460.4012) fund held an unobligated balance of FIVE THOUSAND EIGHT HUNDRED TWENTY-THREE AND 29/100 DOLLARS (\$5,823.29) at the end of 2012, and;

WHEREAS, for several years it has been the practice of the Town Board to regularly re-appropriate from fund balance the previous year's unobligated Public Art Initiative funds to support ongoing annual and multi-year public art projects; and,

WHEREAS, the 2013 Operating Budget approved by the Town Board allocates no new funding for the Public Art Initiative (A-7460.4012) in the current year; and,

WHEREAS, as authorized by Town Board Resolution 2011-376, the Town entered into an agreement in September 2011 with Madeline Wiener Sculptor, Inc. commissioning the design and fabrication of a public art project in the form of a grouping of larger than life sculptural "bench people" to be carved from dolomitic limestone for installation as an integral part of the Huntington Station Plaza planned for the southeast corner of New York Avenue and Olive Street; and,

WHEREAS, Town Board Resolution 2012-114 approved the *Generations* design proposal submitted by Madeline Wiener Sculptor, Inc. and authorized the artist to proceed with fabrication and installation of this approved design in accordance with this agreement; and,

WHEREAS, it is expected that a Round 6 Suffolk County Downtown Revitalization Grant will reimburse certain expenses incurred in the fulfillment of the Town's contractual obligations associated with completion of this Huntington Station Plaza public art project, thus restoring to the Town funds currently obligated to this project from the Public Art Initiative (A-7460.4012); and,

WHEREAS, implementation of the balance of the annual Public Art Plan as approved by Resolution 2011-565, including annual projects such as "Poetry for the HART," and "Awareness Day Public Art Projects" cannot proceed without support of additional funds in 2013; and,

2013-21

WHEREAS, the Public Art Advisory Committee recommends that both the unobligated Public Art Initiative funds from 2012 and any Public Art Initiative funds reimbursed by receipt of Round 6 Suffolk County Downtown Revitalization Grant monies be made available for implementation of these projects as outlined in the approved annual Public Art Plan; and,

WHEREAS, under Section 51 of Town Law, the Town Board of a suburban town shall be the appropriating governing body of said town and shall have and exercise all power and duties as are conferred or imposed upon it and one such power and duty is to approve all budgetary amendments; and,

WHEREAS, this is not an action pursuant to SEQRA as defined by 6 N.Y.C.R.R. §617.2 (b) and therefore no further SEQRA review is required, and;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate fund balance and amend the 2013 Operating Budget as follows:

Increase the following Revenue:

A-0599R	Appropriated Fund Balance	\$5,823.29
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Increase the following Appropriation:

A7460-4012	Public Art Initiative	\$5,823.29
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and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes that any Public Art Initiative funds expended on the Huntington Station Plaza project that are reimbursed by receipt of Round 6 Suffolk County Downtown Revitalization Grant monies be similarly restored by the Comptroller to A-7460.4012 by corresponding amendment of the 2013 Operating Budget.

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS: 0
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Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-22

RESOLUTION AUTHORIZING THE CORRECTION OF CODE VIOLATIONS AT  
VARIOUS LOCATIONS PURSUANT TO THE CODE OF THE TOWN OF  
HUNTINGTON

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: **COUNCILMAN MAYOKA, COUNCILWOMAN BERLAND**

And seconded by: **SUPERVISOR PETRONE, COUNCILMAN COOK**

WHEREAS, violations of the Code of the Town of Huntington and/or the Uniform Codes of the State of New York exist at the locations set forth in Schedule "A", attached hereto and made part of this Resolution, which constitute an attractive nuisance, negatively affect the aesthetic appearance of our neighborhoods, and jeopardize the health and safety of residents in close proximity to these properties; and

WHEREAS, the owner(s) of properties listed in Schedule "A" have failed and/or refused to bring their properties into compliance after a Notice of Violation has been issued by the Department of Public Safety; and

WHEREAS, the correction of code violations by the Town of Huntington is a Type II action pursuant to 6 N.Y.C.R.R. 617.5 c. (33) and, therefore, no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY DIRECTS the Town Attorney to provide each property owner listed in Schedule "A" with a copy of this Resolution, and notice that such violation must be rectified to the satisfaction of the Town within ten (10) days of mailing of the Notice, and upon the failure to remedy the same on a timely basis, the Town shall take all steps necessary to rectify the hazard or nuisance at the property owner's expense; and

HEREBY AUTHORIZES, the Director of the Department of General Services and other Town departments having jurisdiction, to take all actions necessary to correct the violations on these properties upon the failure of the owners to do so, and charge all costs incurred by the Town against the owners of the properties in the same manner and at the same time as real property taxes in accordance with the applicable provisions of the Code of the Town of Huntington or other applicable law.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Schedule AChapter 133, Section 2 of the Code of the Town of Huntington  
Authorizing the Removal of Litter and Debris

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
30 Pearwood Dr. Huntington Sta., NY 11746	0400-138.00-01.00-051.000	Charles Bowen Francesca Bowen	12/20/2012	26 Saxon St. Melville, NY 11747

RESOLUTION APPOINTING AN ADDITIONAL MEMBER TO THE  
ENVIRONMENTAL OPEN SPACE AND PARK FUND REVIEW ADVISORY  
(EOSPA) COMMITTEE

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by **COUNCILMAN CUTHBERTSON**

and seconded by **COUNCILMAN MAYOKA**

WHEREAS, the Environmental Open Space and Park Fund Review Advisory Committee is constituted pursuant to Town Code § 21-6A(2), and

WHEREAS, the EOSPA Committee is presently comprised of individuals appointed by the Town Board members and representatives of the Huntington Conservation Board, Huntington Audubon Society, Huntington Chamber of Commerce, Huntington Greenway Trails Committee, Scouting, Suffolk County Parks Trustees, and

WHEREAS, Town Code allows the appointment of such other members as the Town Board deems appropriate and a representative of the East Northport Chamber of Commerce is interested in serving as a volunteer member of the EOSPA Committee, and

WHEREAS, appointment of an additional member to a Town advisory committee is not an action pursuant to SEQRA and requires no review;

NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby appoints a representative of the East Northport Chamber of Commerce, Lynn Ruvolo, 21 Suffolk Place, East Northport, NY 11731, as a member of the EOSPA Committee.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



2013-24

RESOLUTION APPOINTING A MARRIAGE OFFICER FOR THE TOWN OF  
HUNTINGTON FOR THE PURPOSE OF SOLEMNIZING A MARRIAGE

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: COUNCILMAN CUTHBERTSON, COUNCILMAN COOK  
and seconded by: COUNCILMAN MAYOKA

WHEREAS, pursuant to Domestic Relations Law §11, the Town Board may  
appoint a Marriage Officer(s) to solemnize marriages in the Town of Huntington; and

WHEREAS, Supervisor Frank P. Petrone has been requested to act as a Marriage  
Officer for the purposes of solemnizing a marriage; and

WHEREAS, the appointment of a Marriage Officer is not an action as defined by  
6 NYCRR 617.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY APPOINTS Supervisor Frank P. Petrone as a Marriage Officer for the  
Town of Huntington serving without salary or wage, from Monday, January 7, 2013, up  
to and including February 4, 2013 for the purpose of solemnizing a marriage.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



2013-25

RESOLUTION APPROVING A 2013 PUBLIC ART PLAN AND AUTHORIZING THE PUBLIC ART ADVISORY COMMITTEE TO PROCEED WITH ITS IMPLEMENTATION

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILWOMAN BERLAND

WHEREAS, the Town Board adopted Resolution 2001-550 on September 25, 2001 approving Public Art Initiative Guidelines and an Administrative Plan, establishing a Public Art Advisory Committee, and appointing members thereto, and,

WHEREAS, the duly appointed Public Art Advisory Committee has submitted a recommended 2013 Public Art Plan in accordance with these guidelines; and,

WHEREAS, it is understood that annual expenditures for the Public Art Initiative cannot exceed the total of funds allocated by the Town Board for the Public Art Initiative (A-7460.4012) in the adopted annual Operating Budget and any subsequent modifications thereof, in combination with such other duly authorized Town or non-Town funds as may be secured for this purpose; and,

WHEREAS, it is further understood that any contract for artist services or permanent acquisition of artwork for the Town of Huntington's Public Art Initiative is subject to final approval by the Town Board; and,

WHEREAS, the approval of a public art plan is not an action as defined by 6 N.Y.C.R.R. Section 617.2(b) and, therefore, no further SEQRA review is required;

NOW, THEREFORE

THE TOWN BOARD, upon the recommendation of the Public Art Advisory Committee,

HEREBY APPROVES the 2013 Public Art Plan attached hereto and authorizes the Public Art Advisory Committee to take appropriate steps toward its implementation, including solicitation of related non-Town support, issuance of Requests for Qualifications (RFQ) and/or Requests for Proposals (RFP) as needed, formation of Artist Selection Panels as indicated, and preparation of any resulting artist contracts for final review and approval by the Town Board.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-26

RESOLUTION ESTABLISHING RATES FOR THE RENTAL OR HIRING OF  
HIGHWAY MACHINERY AND EQUIPMENT FOR SNOW, DEBRIS REMOVAL  
AND CATCH BASIN CLEANING-HIGHWAY DEPARTMENT.

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town of Huntington deems it in the best public interest to establish an increased rate of 12% of the existing 2008 rates for the rental or hiring of highway machinery and equipment used for snow, debris removal and catch basin cleaning by the Highway Department; and

WHEREAS, the rates have not been increased since 2008 despite rising fuel prices; and

WHEREAS, this action is a concerned routine or continuing agency administration and management, therefore, this action has been classified as a Type II pursuant to SEQRA 6 N.Y.C.R.R. §617.5 (c)(20) and therefore no further SEQRA review is required; and

NOW, THEREFORE

THE TOWN BOARD

HEREBY ESTABLISHES rates, pursuant to the authority contained in Section 143 of the Highway Law, to which the Town Superintendent of Highways may rent or hire highway machinery and equipment for snow removal and catch basin cleaning per Schedule A as attached hereto and made part of this resolution.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Town of Huntington  
Highway Machinery and Equipment Rental and Hire Rates  
Schedule A

	2008 Rates	Proposed Rate
<b>SUV &amp; Pickup with Plow</b>		
up to 5000 lbs.	54.56	61.11
5001-7500 lbs.	55.49	62.15
7501 and over	60.02	67.22
Snow Plows under 10 Ft-Power Reverse	7.01	7.85
Snow Plows over 10 Ft-Power Reverse	7.01	7.85
Snow Plows under 10 Ft-One Way	4.53	5.07
Snow Plows over 10 Ft-One Way	4.53	5.07
Sanders up to 10 yards	4.28	4.79
Sanders 10 yards and over	6.70	7.50
Helpers	12.40	13.89
<b>Trucks (Diesel) Plowing</b>		
4x4, 6x2, 6x4, 4x4, 6x6, 8x6		
up to 25000 lbs.	56.89	63.72
25000 -30000	61.23	68.58
30001-35000	67.43	75.52
35000-40000	71.92	80.55
40001-45000	76.57	85.76
45001-50000	76.57	85.76
50001-55000	76.57	85.76
55001-60000	76.57	85.76
60000 and over	91.76	102.77
<b>Trucks (Gasoline) Plowing</b>		
4x2, 6x2, 6x4, 4x4, 6x6, 8x6		
up to 25000 lbs.	56.89	63.72
25001-30000	61.23	68.58
30001-35000	67.43	75.52
35000-40000	71.92	80.55
40001-45000	76.57	85.76
45001-50000	76.57	85.76
50001-55000	76.57	85.76
55001-60000	76.57	85.76
60000 and over	91.76	102.77
<b>Tractor Trailer</b>		
30-40 yds.	127.41	142.70

Town of Huntington  
Highway Machinery and Equipment Rental and Hire Rates  
Schedule A

	2008 Rates	Proposed Rate
<b>Front End Loaders</b>		
<b>Gasoline &amp; Diesel powered</b>		
<b>Wheel Mounted w/operator</b>		
up to 6000 lbs.	56.58	63.37
6001-7000	57.51	64.41
7001-8000	58.28	65.27
8001-10000	61.38	68.75
10001-12000	65.88	73.79
12001-14000	68.52	76.75
14001-16000	71.15	79.69
16001-18000	76.11	85.24
18001-20000	80.60	90.27
20001-25000	83.70	93.74
25001-30000	96.88	108.51
30001-35000	105.25	117.88
35001-40000	108.50	121.52
40001-50000	131.44	147.21
50001-70000	164.30	184.02
70001 and over	213.13	238.71
<b>Front End Loaders</b>		
<b>Gasoline &amp; Diesel powered</b>		
<b>Wheel mounted - bare rental</b>		
up to 6000 lbs	7.13	7.99
6001-7000	7.60	8.51
7001-8000	8.06	9.03
8001-10000	9.46	10.60
10001-12000	11.47	12.85
12001-14000	12.87	14.42
14001-16000	14.42	16.15
16001-18000	15.97	17.89
18001-20000	19.69	22.05
20001-25000	20.93	23.44
25001-30000	28.06	31.43
30001-35000	31.31	35.07
35001-40000	33.02	36.98
40001-50000	38.75	43.40
50001-70000	54.72	61.29
70001 and over	95.02	106.42

Town of Huntington  
Highway Machinery and Equipment Rental and Hire Rates  
Schedule A

	2008 Rates	Proposed Rate
<b>Self Propelled Graders</b>		
<b>Gas and Diesel- With Operator</b>		
up to 10000 lbs	57.66	64.58
10001-15000	62.16	69.62
15001-22000	76.73	85.94
22001-28000	87.42	97.91
28001-35000	95.02	106.42
35001-50000	114.24	127.95
50001 and over	139.35	156.07
<b>Self Propelled Graders</b>		
<b>Gas and Diesel-Bare Rental</b>		
up to 10000 lbs	8.22	9.21
10001-15000	11.32	12.68
15001-22000	18.76	21.01
22001-28000	22.94	25.69
28001-35000	26.97	30.21
35001-50000	35.65	39.93
50001 and over	48.05	53.82
<b>Tractor/Loader/Backhoes</b>		
<b>Weight lbs-With Operator</b>		
up to 10000 lbs	60.76	68.05
10001-15000	67.89	76.04
15001-20000	79.21	88.72
20001 and up	87.58	98.09
<b>Tractor/Loader/Backhoes</b>		
<b>Weight lbs-Bare Rental</b>		
up to 10000 lbs	10.08	11.29
10001-15000	12.56	14.07
15001-20000	18.29	20.48
20001 and up	22.48	25.18
<b>Hydraulic Excavators</b>		
<b>Crawler Mounted</b>		
<b>Bucket Capacity c.yds.</b>		
<b>With Operator</b>		
Thru 5/8	88.51	99.13
7/8	102.77	115.10
1	115.32	129.16
1.75	135.94	152.25
2	175.00	196.00
over 2	251.26	281.41

Town of Huntington  
Highway Machinery and Equipment Rental and Hire Rates  
Schedule A

	2008 Rates	Proposed Rate
<b>Hydraulic Excavators</b>		
<b>Crawler Mounted</b>		
<b>Bucket Capacity c.yds.</b>		
<b>Bare Rental</b>		
Thru 5/8	29.45	32.98
7/8	33.64	37.68
1	39.68	44.44
1.75	52.70	59.02
2	74.87	83.86
over 2	113.00	126.56
 <b>Crawler/Tractor</b>		
<b>Gasoline &amp; Diesel</b>		
<b>Engine Horsepower- With Operator</b>		
37-48	59.68	66.84
49-72	66.65	74.65
73-84	71.92	80.55
85-96	76.26	85.41
97-112	88.82	99.48
113-132	94.09	105.38
133-152	102.92	115.27
153-196	106.64	119.44
197-25	131.29	147.05
257 and over	202.28	226.55
 <b>Crawler/Tractor</b>		
<b>Gasoline &amp; Diesel</b>		
<b>Engine Horsepower- Bare Rental</b>		
37-48	10.39	11.64
49-72	13.80	15.46
73-84	16.90	18.93
85-96	19.22	21.53
97-112	26.20	29.35
113-132	26.97	30.21
133-152	33.48	37.50
153-196	34.72	38.89
197-25	47.43	53.12
257 and over	81.53	91.31
 <b>Rollers-Static-Steel-2 or 3 Wheel</b>		
<b>With Operator</b>		
Up to 1/2 ton	44.49	49.83
1/2 to 2	45.73	51.22
2 to 5	54.72	61.29
5 to 8	57.66	64.58
8 to 10	61.69	69.09
10 and up	63.40	71.01

Town of Huntington  
Highway Machinery and Equipment Rental and Hire Rates  
Schedule A

	2008 Rates	Proposed Rate
<b><i>Rollers-Static-Steel-2 or 3 Wheel</i></b>		
<b><i>Bare Rental</i></b>		
Up to 1/2 ton	2.33	2.61
1/2 to 2	3.88	4.35
2 to 5	8.84	9.90
5 to 8	10.23	11.46
8 to 10	15.35	17.19
10 and up	15.77	17.67
<b><i>Cranes-Lifting</i></b>		
<b><i>Gasoline &amp; Diesel</i></b>		
<b><i>Truck Mounted</i></b>		
<b><i>Capacity-Tons-With Operator</i></b>		
Thru 15 tons	106.64	119.44
20 tons	110.36	123.60
35 tons	150.97	169.09
45 tons	152.06	170.31
60 tons	172.05	192.70
90 tons	198.25	222.04
120 tons	231.11	258.84
over 120 tons	336.04	376.36
Clam Shell Excavator	96.91	108.53
<b><i>Cranes-Lifting</i></b>		
<b><i>Gasoline &amp; Diesel</i></b>		
<b><i>Truck Mounted</i></b>		
<b><i>Capacity-Tons-Bare Rental</i></b>		
Thru 15 tons	29.45	32.98
20 tons	40.92	45.83
35 tons	65.26	73.09
45 tons	65.41	73.26
60 tons	74.56	83.51
90 tons	93.47	104.69
120 tons	109.43	122.56
over 120 tons	171.28	191.83
<b><i>Bucket Capacity c.yds.</i></b>		
Thru 3/8	2.17	2.43
1/2	2.79	3.12
5/8	3.41	3.82
3/4	3.72	4.17
1	4.50	5.04
1.25	4.96	5.56
1.5	5.43	6.08
1.75	5.74	6.43
2	6.20	6.94
2.5	7.13	7.99
3	8.06	9.03
Over 3	9.77	10.94
<b><i>All Vac-Alls w/operators and helpers</i></b>	105.09	117.70

Town of Huntington  
Highway Machinery and Equipment Rental and Hire Rates  
Schedule A

	<u>2008 Rates</u>	<u>Proposed Rate</u>
<b><i>New Equipment</i></b>		
Truck mounted aerial lift over 40' w dump body, 2 ops, chainsaws		291.04
Truck mounted aerial lift over 40' w/o dump body, 2 ops, chainsaws		231.04
Truck mounted aerial lift over 60' wdump body, 2 ops, chainsaws		304.54
Truck mounted aerial lift over 60' w/o dump body, 2 ops, chainsaws		244.54
Hydraulic Excavt/mat handler w 360 rotating grapple, 2 ops + \$1K siting		606.61
1000 HP Wood grinder, 1 op, + \$1K tranport/removal		392.71
Truck mounted knuckle boom wgrapple attachment, 2 ops		296.11
Portable sawmill with lifting crane attach, 2 ops		197.93
Dump Trailer adjustment for trailers in excess of 40CY (per CY capacity)		0.72



2013-27

RESOLUTION DIRECTING THE TOWN COMPTROLLER TO PRESENT TO THE TOWN BOARD THE SECOND TRISECTIONAL REPORT FOR THE PERIOD ENDING AUGUST 31<sup>st</sup> NO LATER THAN OCTOBER 15<sup>th</sup> OR TWO WEEKS PRIOR TO THE VOTE ON THE ANNUAL ADOPTED BUDGET

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: Councilman Mark Mayoka

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town Board wishes to receive the second Tri-sectional Report for the period ending August 31<sup>st</sup> prior to the adoption of the Town Budget; and

WHEREAS, the second Tri-sectional Report for the period ending August 31<sup>st</sup> should be completed by October 15<sup>th</sup> or two weeks prior to the vote on the annual adopted budget, whichever is later, unless unforeseen circumstances prevent the dissemination of the same; and

WHEREAS, the subject of this resolution is a Type II action pursuant to 6 NYCRR 617.5 (c)(20) and (29) therefore no further SEQRA review is required.

NOW, THEREFORE BE IT RESOLVED

THE TOWN BOARD HEREBY DIRECTS the Town Comptroller to present to the Town Board the second Tri-sectional Report for the period ending August 31<sup>st</sup> by October 15<sup>th</sup> or two weeks prior to the vote on the annual adopted budget whichever is later, unless unforeseen circumstances prevent the dissemination of the same.

VOTE:                      AYES: 3      NOES: 2      ABSTENTIONS: 0

Supervisor Frank P. Petrone	NO
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	NO
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2013 -28

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 21-2012  
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON,  
CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

Resolution for Town Board Meeting dated: January 8, 2013

The following resolution was offered by: **Councilman Cuthbertson**

and seconded by: **Supervisor Petrone**

THE TOWN BOARD having held a public hearing on the 18<sup>th</sup> day of December, 2012 at 7:00 p.m. to consider adopting Local Law Introductory No. 21-2012 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE IV, §2-7, SCHEDULE G., and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 21-2012 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE IV, §2-7, SCHEDULE G.; as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS  
FOLLOWS:

LOCAL LAW NO. 1 - 2013  
AMENDING THE TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington,  
Chapter 2, ARTICLE IV, §2-7, SCHEDULE G.; as follows:

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

<u>SIGN ON</u>	<u>SIGN</u>	<u>DIRECTION OF TRAVEL</u>	<u>AT INTERSECTION OF:</u>
[Larkfield Road (East Service Road) (CMK)]	[STOP]	[NORTH]	[Burr Road]
[Larkfield Road (West Service Road) (CMK)]	[STOP]	[SOUTH]	[Burr Road]

*Enactment - Larkfield Rd. (Service Roads), Commack - Stop Signs  
Transportation & Traffic Safety/bt*

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section, or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

ADDITIONS ARE INDICATED BY UNDERLINE  
 \*\*\* INDICATES NO CHANGE TO PRESENT TEXT  
 DELETIONS ARE INDICATED BY [BRACKETS]

VOTE: AYES: 5 NOES: 0 ABSTENTIONS:0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2013-29

ENACTMENT: APPROVE THE ISSUANCE OF A CERTIFICATE OF APPROVAL  
IN A HISTORIC DISTRICT

RE: 55 MAIN STREET, COLD SPRING HARBOR—COLD SPRING HARBOR  
HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: **COUNCILMAN CUTHBERTSON,  
COUNCILMAN MAYOKA**

and seconded by: **COUNCILMAN COOK**

THE TOWN BOARD

HAVING HELD A PUBLIC HEARING on the 18th day of December, 2012, pursuant to Section 198, Article VI of the zoning code of the Town of Huntington, to consider the application of Oyster Bay Management, LLC, 9 Snake Hill Road, Cold Spring Harbor, NY 11724, for a Certificate of Approval to renovate an existing restaurant including construction of a 95 square foot addition, conversion of warehouse space to restaurant, office and storage use, and exterior alterations including a new façade and awning at the building located at 55 Main Street, Cold Spring Harbor, NY 11724, bearing Suffolk County Tax Map #0400-063.00-02.00-006.000, and located in the Cold Spring Harbor Historic District; and upon all the information presented on the application at the public hearing and due deliberation having been had,

HEREBY APPROVES the aforesaid application of Oyster Bay Management, LLC for a Certificate of Approval.

VOTE:                      AYES:    5                      NOES:    0                      ABSTENTIONS:    0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 22-2012 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE I (GENERAL PROVISIONS), ARTICLE IV (COMMERCIAL DISTRICTS) AND ARTICLE XIV (SIGNS AND ADVERTISING DEVICES)

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: **Councilman Cuthbertson**

and seconded by: **Councilman Cook**

THE TOWN BOARD having held a public hearing on the 18th day of December, 2012 at 7:00 p.m. to consider adopting Local Law Introductory No. 22-2012, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions), Article IV (Commercial Districts), and Article XIV (Signs and Advertising Devices); and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 22 -2012, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions), Article IV (Commercial Districts), and Article XIV (Signs and Advertising Devices), as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS FOLLOWS:

LOCAL LAW NO. 2 - 2013

AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE I (GENERAL PROVISIONS), ARTICLE IV (COMMERCIAL DISTRICTS) AND ARTICLE XIV (SIGNS AND ADVERTISING DEVICES)

Section 1. Chapter 198 (Zoning), Article I (General Provisions), Article IV (Commercial Districts) and Article XIV (Signs and Advertising Devices) are hereby amended as follows:

CHAPTER 198 (ZONING)

ARTICLE I  
GENERAL PROVISIONS

\* \* \*

§198-2. Definitions and word usage.

\* \* \*

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LIGHT ASSEMBLAGE – Any and all parts of a luminaire that function to produce light, including the bulb, assembly, ballast, carriage, mounting features and/or pole.

\* \* \*

LUMINAIRE – The complete light assembly (including the bulb, housing, ballasts, photocells, housing, reflectors, lens and shields), less the support assembly (pole or mounting bracket).

\* \* \*

PRINCIPAL FRONTAGE -- (1) For existing and proposed one- and two-family dwellings, the principal frontage for a corner lot or a through lot shall be the shorter of the street frontages. For all other development, the principal frontage for a corner lot or a through lot shall be determined by the Planning Board; and (2) for the purpose of signage, the term principal frontage shall mean the storefront of each individual business located within a lot, or the side of the building where the main entrance is located in the case of a single business (excludes structural elements that extend above the lowest point of the roof).

\* \* \*

ROOFLINE – For the purpose of Article XIV (Signs and Advertising Devices), the term "roofline" shall mean the highest point of the coping on a flat roof, false mansard, or parapet wall; the deck line of a true mansard roof; the ridge line between the upper and lower slopes of a gambrel roof; or the mean point between the eaves and ridge of a gable or hip roof.

\* \* \*

[SIGN -- Any structure or part thereof, or any device or group of letters attached to, painted on or represented on a building, fence or other structure on or in a window or temporarily or permanently on a vehicle or trailer, upon which is displayed or included any letter, symbol, trademark, model, banner, flag, pennant, insignia, decoration, device or representation used as or which is in the nature of an announcement, direction, advertisement or other attention-directing device. A "sign" does not include the flag (except if displayed in a pennant format) or insignia of any nation or association of nations or of any state, city or other political unit, or of any charitable, educational, philanthropic, civic or religious organization.]

SIGN -- Any letter, symbol, icon, trademark, model, banner, flag, pennant, insignia, display, decoration, emblem, device, pictorial representation, or other attention-directing device, or combination of these, illuminated or not, which is intended to or can be seen from the outside of a building or structure, and which is designed to or does convey a message concerning the identification of the premises or advertise the interests of any private or public firm, person or organization. A "sign" does not include the flag (except if displayed in a pennant format) or insignia of any nation or association of nations or of any state, city or other governmental unit, or of any charitable, educational, philanthropic, civic or religious organization.

\* \* \*

SIGN, ANIMATED -- Any sign which is designed to give a message through a sequence of progressive changes or movement of parts or lights or degree of lighting, accomplished by natural, manual, mechanical, electrical or other means. The term "animated sign" shall not

include a sign located within a right-of-way and installed by or through a local, county, or state agency that functions as a traffic control device, or are temporary holiday displays.

\* \* \*

SIGN, DIRECTORY -- A sign on which are listed the names of two (2) or more persons, businesses or agencies in a place or location common to all, and includes a freestanding or monument sign.

\* \* \*

SIGN, MENU BOARD -- A sign erected in conjunction with a use that incorporates a drive-through or drive-in, and is generally used to provide service and/or product options or pricing to patrons who remain in their vehicles.

SIGN, MESSAGE BOARD -- A sign which is erected to announce events to be held on the same property, usually consisting of a track system to hold individual letters or text, but also by electronic or digital means.

\* \* \*

SIGN PENNANT -- [Triangular-shaped or forked-shaped flag, or one in a series of] One or a series of triangular, forked, square, round or rectangular-shaped flags joined together or suspended by a string, cord, wire or other fastener, including a series of American Flags.

\* \* \*

SIGN, ROOF -- A sign which is erected, constructed, or maintained on a flat or pitched roof.

\* \* \*

#### ARTICLE IV (COMMERCIAL DISTRICTS)

\* \* \*

§198-28. C-7 Minor Commercial Corridor District.

(H) Supplementary height, area and bulk regulations. See Article IX. [In addition, the following shall apply:]

[(1)] [No freestanding sign shall exceed sixteen (16) feet in height or thirty-two (32) square feet in size.]

\* \* \*

#### ARTICLE XIV (SIGNS AND ADVERTISING DEVICES)

\* \* \*

§198-92. Permitted signs. Except as otherwise set forth in this article:



(A) The following signs in all Districts shall be exempt from the requirement of a sign permit. Such signs shall not interfere with vehicular or pedestrian travel or cause a public hazard or nuisance.

\* \* \*

(14) Bed and Breakfast. One non-illuminated sign advertising vacancies shall be permitted. The sign shall not exceed six (6) square feet in size.

(15) Drive-through. One menu board not exceeding thirty-two (32) square feet. Only one (1) menu board shall be permitted per business establishment regardless of the number of drive-through lanes in use. Each illuminated menu board shall comply with the provisions of Chapter 143.

\* \* \*

(B) The following signs in all Districts shall not require a sign permit but shall be subject to an inspection and the payment of an inspection fee as provided in [§198-99(B)(3)] §198-97(A):

(1) Non-illuminated directional [or directory] signs not more than two (2) square feet in area.

(2) One (1) freestanding non-illuminated [directional or] directory sign not more than four (4) square feet in area nor more than eight (8) feet in height at each point of egress and ingress to a premises used for nonresidential purposes.

\* \* \*

(6) One (1) changeable copy message board not exceeding twenty (20) square feet in size. An underwriter's certificate or electrical certification satisfactory to the town shall be provided before an inspection is scheduled. Only one (1) message board shall be permitted on any premises. All electronic message boards shall comply with the provisions of Chapter 143.

(C) The following signs shall be permitted in the R-3M, R-HS and R-RM, Residence Districts, C-1 Office-Residence District and C-12 Professional District:

(1) One (1) [directly or] indirectly illuminated [facial] monument sign not more than ten (10) square feet in area, for multiple dwelling residential uses, which shall contain only the name, [and] address and contact number of the building [or the] management [thereof.] or other responsible party.

\* \* \*

D. The following signs shall be permitted in the C-2 Single Purpose Office Building District and in the I-1, I-2, I-3 and I-4 Light Industry Districts:



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(1) One (1) directly or indirectly illuminated facial or roof identification sign for the main building, provided that no such sign shall be more than four (4) feet in vertical dimension, nor more than sixty (60) square feet in area.

\* \* \*

(3) In the case of buildings used for multiple tenancy, not more than three (3) facial or roof identification signs shall be permitted on the frontage of the building, provided that such signs shall not be more than four (4) feet in vertical dimension, nor more than sixty (60) square feet in aggregate area for each sign.

E. The following signs shall be permitted in the C-3, C-4, C-6 Huntington Station Overlay District, C-7, C-9, C-10 and C-11 Business Districts:

(1) Directly or indirectly illuminated facial or roof identification signs for each business establishment. The total area of all identification signs allowed for any permitted structure shall not exceed thirty (30) square feet for each business located on the property or fifteen (15%) percent of the area of the principal frontage of the building, whichever is greater. [The term "principal frontage" shall exclude parapet walls or other walls which do not enclose a portion of the building.] In no event shall more than three (3) facial identification signs or one (1) roof identification [signs] sign be permitted for each business establishment.

F. The following signs shall be permitted in the C-5, C-6 and C-8 Business Districts:

(1) Directly or indirectly illuminated facial or roof identification signs for each business establishment. The total area of all identification signs allowed for any permitted structure shall not exceed sixty (60) square feet for each business located on the property or fifteen (15%) percent of the area of the principal frontage of the building, whichever is greater. [The term "principal frontage" shall exclude parapet walls or other walls which do not enclose a portion of the building.] In no event shall more than three (3) facial identification signs or one (1) roof identification [signs] sign be permitted for each business establishment.

\* \* \*

(I) The following signs shall be permitted in all commercial districts or commercially-utilized properties unless otherwise noted:

\* \* \*

(2) One (1) freestanding identification or monument sign not larger than thirty-two (32) square feet may be erected. For each foot of setback [from the permitted location as provided in Subsection (I)(2)(d) of this section] provided in excess of the required setback, the sign area may be increased by two (2) square feet to a maximum sign area of ninety-six (96) square feet for a freestanding sign and sixty (60) square feet for a monument sign, subject to the limitations listed below. Any proposed freestanding or monument sign within a Historic District[, a] or Historic Overlay District [or a Historic Site or Landmark] shall be subject to the review and approval of the [Town of]

Huntington Historic Preservation Commission, as well as the Director of Public Safety.  
In the C-7 Zoning District, freestanding and monument signs shall not exceed thirty-two (32) square feet

(a) The height of such freestanding or monument sign from grade to the top of the sign structure shall not exceed one-half (1/2) of the square footage of the sign area to a maximum of thirty (30) feet. In the C-7 Zoning District such signs shall not exceed sixteen (16) feet in height.

(b) No variance shall be granted so as to permit a sign larger in dimension than provided in this article for the particular district and any such [freestanding] sign shall be included in computing the total sign allowance.

\* \* \*

(d) No [freestanding] sign shall be erected or maintained so that any portion of the sign or assemblage is located within ten (10) feet of a street right-of-way line.

(e) No more than one (1) facial or roof identification sign shall be permitted if the applicant elects to erect a [freestanding identification] sign pursuant to this section.

\* \* \*

(g) When a freestanding or monument sign is included on a site plan requiring the approval of the Planning Board, the location of the freestanding or monument sign shall be at the discretion of the Planning Board. No freestanding or monument sign shall be relocated or repositioned from its approved location without the consent of the Planning Board.

[(h)] [Signs advertising the prices of gasoline at individual pumps in automotive service stations as provided in §151-1(A) shall be exempt from the provisions limiting the number and area of permitted signs. Advertising price signage required by §151-1(C) along street frontages shall also be exempt from the number and area requirements, but shall comply with the height and setback requirements of this chapter.]

(h) If a freestanding or monument sign is erected in a triangular area bounded as provided in §198-93(R) no other sign shall be erected, placed or maintained along the street frontages forming the triangle.

(3) Directory or monument signs of two (2) or more businesses on the same lot shall be subject to the same restrictions as provided in (I)(2), and shall have sufficient space to identify each business located on the lot. It shall be the responsibility of the property owner to secure and maintain a sign permit for such signs.

(4) Illuminated directory or monument signs shall be equipped with appropriate timer controls so that the duration of the light complies with the provisions of §143-7 of the Huntington Town Code.

(5) Identification signs mounted on freestanding canopies used at motor vehicle fuel stations shall not exceed sixty (60) square feet in size per canopy. The square footage shall include all sides of the canopy. Such signs may be illuminated except if they face residentially-utilized property. All signs shall comply with the provisions of Chapter 143.

\* \* \*

§198-93. Prohibited signs. The following types of signs are prohibited in all Districts:

\* \* \*

[(H)] [Changeable copy signs, except where the copy can be changed only by hand or is a marquee associated with a theater or hotel.]

(H) Animated signs shall be strictly prohibited.

\* \* \*

(Q) Any facial or roof sign painted, erected or affixed so that any portion of the sign or sign assemblage extends above the [roof] roofline of a building.

(R) Any sign erected or maintained on a [corner] lot within the triangular area bounded by the lines connecting [the street] a corner [of the lot] formed by a street line and another street line or site driveway line and a point twenty-five (25) feet from such corner on each of the intersecting [street] lines, except that one (1) monument sign three (3) feet or less in height, or one (1) single or double pole freestanding sign may be permitted within such area provided that the bottom of the sign is at least fifteen (15) feet above grade, and in the opinion of the enforcement officer, does not cause a vision obstruction or create a public nuisance or hazard.

\* \* \*

(W) Roof signs shall be prohibited on roofs that do not cover at least 50% of the footprint of the building.

(X) Roof signs shall be prohibited on properties where there is or will be a facial sign.

\* \* \*

§198-93.1. Temporary signs. In all commercial and industrial districts, and in commercially-utilized or industrially-utilized properties, the following shall apply. Temporary signs shall not be placed or located so as to interfere with vehicular or pedestrian travel or cause a public hazard or nuisance.

(A) Permit application.

\* \* \*

(2) The maximum number of temporary sign permits to be issued to a single business location shall be one (1) per [three-month] two-month period. The term of each permit

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shall not extend beyond [ten (10)] fifteen (15) consecutive days of the date of issuance, except that in the case of a new business enterprise, the term of the permit may extend up to [twenty-one (21)] thirty consecutive days. The expiration date of the permit shall be shown on the face of the permit. All permits shall expire at midnight of the date stated.

\* \* \*

§198-94. Additional allowances on through and corner lots. The number and size restrictions of identification signs shall apply to each street frontage in the case of corner lots and through lots with the following exceptions:

\* \* \*

(B) Where the applicant or property owner has installed a freestanding or monument sign in the triangular area bounded as provided [and restricted] in §198-93(R) no other sign shall be erected, placed or maintained along the street frontages forming the triangle.

(C) In buildings containing more than one (1) tenant, the additional facial sign allowance shall be limited to only those tenants that actually face the secondary street, unless the property owner and tenant facing the secondary street consent to the installation of facial signs for other tenants in the building by sworn and notarized affidavit, and with the combined size of all facial signs subject to the size limits of §198-94(D).

(D) No sign located on a secondary frontage shall exceed sixty (60) square feet or fifteen (15%) percent of the area of the secondary frontage of the building, whichever is less. The term "secondary frontage" shall exclude [parapet walls or other walls which do not enclose a portion of the building] structural elements that extend above the lowest point of the roof.

[§198-95.] [(Reserved)]

§198-95. [§198-97.] Additional specifications and restrictions.

\* \* \*

§198-96. (Reserved)

§198-97. Application for permit, permit renewal and replacement.

(A) Applications for sign permits shall be made on forms provided by the Department of Public Safety. Each applicant shall submit a signed certification that the installation of any illuminated sign or any sign requiring the use of electrical service has been performed or shall be performed by a licensed electrician. The following fees are non-refundable and shall be paid at the time of application:

- (1) For erecting or placing a new facial sign: three (\$3) dollars per square foot of sign area with a minimum fee of seventy-five (\$75) dollars.

- (2) For erecting or placing a new freestanding or monument sign: three (\$3) dollars per square foot of sign area with a minimum fee of seventy-five (\$75) dollars.
- (3) Inspection fee pursuant to §198-92(B) shall be thirty-five (\$35) dollars per sign with a maximum fee of one-hundred twenty-five (\$125) dollars per location.
- (4) Additional fees. The fee for erecting or placing a sign at any time prior to the issuance of a permit or an inspection having taken place shall be three (3) times the amount established above.

(B) Suffolk County License. A copy of Suffolk County Installers License is required to be produced with the application pursuant to Suffolk County Local Law No. 42-2008, which requires any person engaged in the business of building or hanging display signs to be licensed by the County of Suffolk. A display sign is defined in the Local Law as "any sign, sign screen, billboard or advertising device of any kind that exceeds 75 square feet in area or 25 pounds in weight."

(C) State parks or parkways. Any sign within five hundred (500) feet of a state park or parkway that requires approval from the New York State Office of Parks, Recreation and Historic Preservation must have such approval prior to the issuance of a town sign permit.

(D) Renewals. Sign permits shall be renewed every three (3) years upon the payment of a permit renewal fee of two (\$2) dollars per square foot of sign area with a minimum fee of seventy-five (\$75) dollars. Said fee shall be nonrefundable and paid at the time of application. An application for renewal of a permit shall be accompanied by a certification that the sign is properly installed, that the sign is being maintained in a safe manner, and the sign complies with all of the provisions of this chapter and other applicable law. The fee for the renewal of a sign permit after notice of renewal has been given and there has been a failure to renew within ninety (90) days of the date of such notice shall be two (2) times the amount established above. Notice shall be given by mailing an application for a renewal of a permit by regular mail to the name and address provided in the original sign permit application.

(E) Replacement of substantially damaged or missing signs. Any person or business entity who wishes to duplicate a substantially damaged or missing sign shall apply to the Department of Public Safety. Authorization to replace or repair the sign shall be provided in writing at no cost as long as the applicant provides proof acceptable to the Department that the sign was legally in existence and that the term of the permit has not expired.

§198-98. [(Reserved)] Display of permit. The permit number shall be permanently shown in a conspicuous place on the face of the sign so as to be easily inspected and shall be no less than one (1) inch in height and three-fourths (3/4) inch in width. Failure to display the permit number on the sign shall be deemed an offense against this section and punishable as set forth in this chapter.

§198-99. [Sign permits.] Prohibitions.



\* \* \*

[B.] [Application Fees. An application for a sign permit shall be made on forms provided by the Department of Public Safety. Each applicant shall submit a signed certification that the installation of any illuminated sign or any sign requiring the use of electrical service has been performed or shall be performed by a licensed electrician. The following fees are non-refundable and shall be paid at the time of application:]

- [(1)] [For erecting or placing a new facial sign: two (\$2) dollars per square foot of sign area with a minimum fee of fifty (\$50) dollars.]
- [(2)] [For erecting or placing a new freestanding sign: two (\$2) dollars per square foot of sign area with a minimum fee of fifty (\$50) dollars.]
- [(3)] [The inspection fee pursuant to § 198-92(B) shall be twenty-five (\$25) dollars per sign with a maximum fee of one-hundred (\$100) dollars per location.]
- [(4)] [Additional fees. The fee for erecting or placing a sign at any time prior to the issuance of a permit or an inspection having taken place shall be three (3) times the amount established above.]

[C.] [Display of permit. The permit number shall be permanently shown in a conspicuous place on the face of the sign so as to be easily inspected and shall be no less than one (1) inch in height and three-fourths (3/4) inch in width. Failure to display the permit number on the sign shall constitute a cause for revocation of the permit in addition to any other penalty provided by law.]

- |   |   |   |   |
|---|---|---|---|
| (B) [D.] Alteration of permit.          | * | * | * |
| (C) [E.] Non-transferability of permit. | * | * | * |
| (D) [F.] Relocation or change of size.  | * | * | * |

[G.] [Substantially damaged or missing signs. Any person or business entity who wishes to duplicate a substantially damaged or missing sign shall apply to the Department of Public Safety. Authorization to replace or repair the sign shall be provided in writing at no cost as long as the applicant provides proof acceptable to the Department that the sign was legally in existence and that the term of the permit has not expired.]

[H.] [Renewals. Sign permits shall be renewed every three (3) years upon the payment of a permit renewal fee of one (\$1) dollar per square foot of sign area with a minimum fee of fifty (\$50) dollars. Said fee shall be nonrefundable and paid at the time of application. An application for renewal of a permit shall be accompanied by a certification that the sign is properly installed, that the sign is being maintained in a safe manner, and the sign complies with all of the provisions of this chapter and other applicable law. The fee for the renewal of a sign permit after notice of renewal has been given and there has been a failure to renew within ninety (90) days of the date of such notice shall be two (2) times the amount established above. Notice shall be given

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by mailing an application for a renewal of a permit by regular mail to the name and address provided in the original sign permit application.]

§198-100. Removal of certain signs; presumption.

\* \* \*

(D) Trespass. Any person who causes or permits any sign to be placed, posted or maintained on, within, or encroaching upon or over any town owned or leased property, including any portion of a town right-of-way or on any appurtenance therein, other than in conformity with this chapter, shall be in violation of this chapter. Any such sign shall be subject to immediate removal and destruction, without notice, as authorized by the Director of Public Safety or the Director of Engineering Services. In any action for an alleged violation of this section, there shall be a rebuttable presumption that the person whose name, telephone number, or other identifying information appears on such sign has caused or permitted such sign to be posted or located at the site.

(E) [D.] Recovery of costs. \* \* \*

[E.] [Authority of Enforcement Officer.]

[(1)] [A previously-issued permit may be revoked by the Director of Public Safety, on ten (10) days notice to the permittee, if the permittee fails or refuses to comply with the provisions of this Article or other applicable statute, rule or regulation; or fails to obey a reasonable order of an enforcement officer pertaining to such permit, sign or sign assemblage.]

[(2)] [Any person or business entity who resists, obstructs, or impedes an enforcement officer in the remediation or removal process shall be in violation of this Article and subject to the fines and penalties provided herein.]

[(3)] [No oversight or dereliction of duty on the part of town officers shall serve to legalize the maintenance, erection, installation, alteration, modification or construction of a sign for which no permit has been issued, or if issued has expired; or to legalize a sign which does not conform to the provisions of this article or other applicable local, state and/or federal law, rule, ordinance or regulation.]

[§198-101.] [Tobacco advertising.] **CURRENT TEXT DELETED IN ITS ENTIRETY**

§198-101. Authority of Enforcement Officer.

(1) A permit may be revoked by the Director of Public Safety in the same manner as set forth in Chapter 87 for building permits if there has been a material misrepresentation or falsehood in the application for a sign permit or at any time during the approval process; if the permit was issued in error; or as otherwise provided in this article.

(2) Any person or business entity who resists, obstructs, or impedes an enforcement officer in the remediation or removal process, or fails to obey a reasonable order of an enforcement officer pertaining to such permit, sign or sign assemblage shall be in violation of this Article and subject to the fines and penalties provided in this chapter.

(3) No oversight or dereliction of duty on the part of town officers shall serve to legalize the maintenance, erection, installation, alteration, modification or construction of a sign for which no permit has been issued, or if issued has expired or was in error; or to legalize a sign which does not conform to the provisions of this article or other applicable local, state or federal law, rule, ordinance or regulation.

\* \* \*

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section, or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

ADDITIONS ARE INDICATED BY UNDERLINE

\*\*\* INDICATES NO CHANGE TO PRESENT TEXT

DELETIONS ARE INDICATED BY [BRACKETS]

VOTE: AYES: 4 NOES: 0 ABSTENTIONS: 1

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	ABSTAIN
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DULY ADOPTED.



ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 20-2012, CONSIDERING ZONE CHANGE APPLICATION #2010-ZM-384, POST TIME REALTY, INC., TO CHANGE THE ZONING FROM R-5 RESIDENCE DISTRICT AND C-6 GENERAL BUSINESS DISTRICT TO C-6 GENERAL BUSINESS DISTRICT FOR PROPERTIES LOCATED ON THE NORTH SIDE OF RAILROAD STREET, WEST OF GREENLAWN-BROADWAY, GREENLAWN, SCTM# 0400-106-01-034 & 035, AND ISSUING A NEGATIVE DECLARATION FOR SAID ACTION TO REZONE.

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: **Supervisor Petrone**

and seconded by: **Councilman Cuthbertson**

WHEREAS, POST TIME REALTY, INC., and 11 RAILROAD ST. REALTY LLC, both at 86 Woodhull Place, Northport, NY 11768, property owners, submitted application #2010-ZM-384 for a change of zone from R-5 Residence District and C-6 General Business District to C-6 General Business District for properties located on the north side of Railroad Street, west of Greenlawn-Broadway (CR 86), Greenlawn, designated as 0400-106-01-034 & 035 on the Suffolk County Tax Map; and

WHEREAS, said application was forwarded to the Planning Board by the Town Board for study and recommendation under the applicable provisions of Huntington Town Code §198-127, and pursuant to the New York State Environmental Conservation Law, Article 8, State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617; and

WHEREAS, the applicant submitted an Environmental Assessment Form (EAF) Part I in connection with the application, and the Department of Planning and Environment reviewed the information provided with the EAF Part I, duly classified the action Unlisted in accordance with the provisions of 6 NYCRR 617, SEQRA, and coordinated the EAF Part I with involved and interested agencies, none of which requested Lead Agency status; and

WHEREAS, the Town Board, 100 Main St., Huntington, NY 11743 established itself as Lead Agency on October 16, 2012; and

WHEREAS, the Department of Planning and Environment has prepared an EAF Parts II and III dated September 25, 2012 which analyzes the planning and zoning issues relative to the subject application as well as consistency with the Horizons 2020 Comprehensive Plan and evaluates potential project impacts in accordance with the SEQRA regulations, and the SEQRA documents and additional information concerning the SEQRA process can be obtained from the Department of Planning and Environment, 100 Main St., Room 212, Huntington, NY 11743, phone: (631) 351-3196, e-mail: [planning@huntingtonny.gov](mailto:planning@huntingtonny.gov); and

WHEREAS, by resolution dated October 3, 2012 the Planning Board recommended to the Town Board that the Town Board schedule a public hearing on the application, issue a Negative Declaration under SEQRA, and approve the application subject to the following conditions:

- (1) The two tax map parcels shall be merged; and
- (2) Convenience markets, car washes, drive-through lanes and windows, and the outdoor display or storage of vehicles and equipment visible from the public street shall not be permitted; and
- (3) Any new building shall be located close to the street frontage and parking and storage activity shall be located behind the building; and
- (4) Site plan review by the Planning Board shall be required to legalize the contractor's office use with outdoor storage as proposed by the zone change application;

NOW THEREFORE BE IT

RESOLVED, upon due deliberation of the completed Environmental Assessment Form on file in the offices of the Town Clerk and the Department of Planning and Environment, the Town Board finds that the action will not have a significant effect upon the environment because the rezoning action incorporates measures and conditions of approval to effectively mitigate impacts; and further finds that the proposed action to rezone the property is consistent with the Town of Huntington Comprehensive Plan and with long term planning policies and goals and is unlikely to pose significant adverse environmental impacts; and additionally finds that any subdivision or site plan resulting therefrom may require its own determination of significance, following SEQRA assessment of the specific project's environmental consequences based upon new information or revisions to the concept plans, the Town Board hereby:

- (1) Issues a Negative Declaration based on the reasons outlined in the EAF, Parts II and III; and
- (2) Finds that the requirements for a SEQRA review have been met; and

BE IT FURTHER RESOLVED, that the Town Board, having held a public hearing on the 18th day of December, 2012, to consider adopting Local Law Introductory Number 20-2012 amending the "Amended Zoning Map of the Town of Huntington", as referenced in Chapter 198 (Zoning), §198-7 of the Huntington Town Code, thereby rezoning from R-5 Residence District and C-6 General Business District to C-6 General Business District the properties designated on the Suffolk County Tax Map as 0400-106-01-034 & 035 on the Suffolk County Tax Map, and due deliberation having been had

HEREBY APPROVES the change of zone as set forth below, except that this Local Law shall not be filed with the Secretary of State by the Huntington Town Clerk or be deemed effective against the subject property until the Covenants and Restrictions identified in this Resolution are approved by the Town Attorney as to form and content, and the applicant provides proper proof of filing with the Suffolk County Clerk to the Department of Planning and Environment, Town Attorney, and Town Clerk; and

FURTHER RESOLVES that no subdivision or site plan shall be approved by the Planning Board or signed by the Director of Planning unless the plan is in full compliance with the requirements of this Resolution, the Covenants and Restrictions, and any applicable condition, restriction, or limitation established by the Planning Board during subdivision or site plan review; and

HEREBY ADOPTS

Local Law Introductory No. 20-2012, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts, Map, General Regulations), as follows on the terms and conditions as set forth herein.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON AS FOLLOWS:

LOCAL LAW NO. \_\_\_\_\_ - 2013  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 198 (ZONING)  
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)  
SECTION 7 (ZONING MAP)

Section 1. The Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), Section 7 (Zoning Map) is amended as follows:

CHAPTER 198 (ZONING)  
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)

\* \* \*

§ 198-7 Zoning Map

The boundaries of the districts enumerated in §198-6 of this Chapter are hereby established as shown on the map designated as the "Amended Building Zone Map of the Town of Huntington." The said map, together with all notations, references and every other detail shown thereon shall be as much a part of this chapter as if the map and every other detail shown thereon was fully described therein. Section 198-55 contains symbols on the map for the aforesaid districts.

The premises located on the north side of Railroad Street, west of Greenlawn-Broadway, Greenlawn, designated on the Suffolk County Tax Map as 0400-106-01-034 & 035, to be rezoned from R-5 Residence District and C-6 General Business District to C-6 General Business District, more particularly described as:

BEGINNING at a POINT on the north side of Railroad Street, 132.20 feet west from the intersection of the north side of Railroad Street with the west side of Greenlawn-Broadway,

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THENCE from said POINT OF BEGINNING South 75 degrees 24 minutes 00 seconds West, 137.00 feet,

THENCE North 08 degrees 05 minutes 05 seconds West, 176.60 feet,

THENCE North 76 degrees 07 minutes 00 seconds East, 126.85 feet,

THENCE South 05 degrees 34 minutes 00 seconds East, 50.00 feet,

THENCE North 75 degrees 58 minutes 00 seconds East, 17.80 feet,

THENCE South 05 degrees 32 minutes 20 seconds East, 125.89 feet to the POINT OF BEGINNING.

Such change of zone shall be specifically conditioned upon the filing by the applicant of the following Covenants and Restrictions, to run with the land, in a form acceptable to the Town Attorney. Such deed and Covenants and Restrictions shall be filed at the applicant's own cost and expense in the Office of the Suffolk County Clerk. Proof of such filing shall be provided by the applicant to the Town Attorney, Director of Planning, and Huntington Town Clerk. All such Covenants and Restrictions shall be in addition to such terms and conditions as deemed necessary by the Town Attorney to assure compliance with the Covenants.

- (1) The two tax map parcels shall be merged if they are both occupied by the contractor's office and storage use, otherwise cross access easements shall be provided between the parcels to enable the continued use of a single shared driveway to serve both parcels for parking lot access and maneuvering space; and
- (2) Landscaped and fenced 10-foot wide buffers shall be provided along the northern and western exterior property lines; and
- (3) Convenience markets, restaurants, bars, laundromats, car washes, drive-through lanes and windows, and the outdoor display or storage of vehicles and equipment in the front yard or unscreened by landscaping and fencing shall not be permitted; and
- (4) Any new building shall be located close to the street frontage and parking and storage activity shall be located behind the building; and
- (5) Site plan review by the Planning Board shall be required to legalize the contractor's office use with outdoor storage as proposed by the zone change application.

\*

\*

\*

## Section 2. Severability

If any clause, sentence paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, or invalidate the remainder of this

local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date

This Local Law shall take effect immediately upon filing in the Offices of the Secretary of State of New York.

\* \* \* INDICATES NO CHANGE TO PRESENT TEXT.  
ADDITIONS ARE INDICATED BY UNDERLINE.  
DELETIONS ARE INDICATED BY [BRACKETS].

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AWARDING A FRANCHISE AGREEMENT TO CONDUCT 2013 YOUTH SPORTS PROGRAMS FOR THE TOWN OF HUNTINGTON DEPARTMENT OF PARKS AND RECREATION.

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: **Councilwoman Berland**

and seconded by: **Councilman Mayoka**

WHEREAS, the Town of Huntington is desirous of utilizing the instructional services of a qualified, trained vendor to organize, coordinate and supervise year round instructional soccer and multiple sports programs for youths at various parks throughout the Town; and

WHEREAS, requests for proposals were received on December 21, 2012, by the Town of Huntington, Director of Purchasing, 100 Main Street, Huntington, New York, for conducting 2013 youth sports programs for the Town of Huntington Department of Parks and Recreation, RFP No. 2012-12-012 and the same were opened and read aloud; and

WHEREAS, US Sports Institute, Inc., 12 Maiden Lane, Bound Brook, New Jersey 08805 is the sole proposer; and

WHEREAS, scheduling a public hearing to consider a franchise agreement is not an action as defined by 6 N.Y.C.R.R. 617.2(b) and therefore a SEQRA review is not required.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the **5th** day of **February, 2013** at **7:00 P.M.** at Huntington Town Hall, 100 Main Street, Huntington, New York to consider awarding a franchise agreement for conducting 2013 youth sports programs to US Sports Institute, Inc. The Town will receive twenty percent (20%) of the total revenue generated which will be recorded into Operating Budget Item A2001. The contract period shall be effective for a two (2) year term commencing upon the execution of the contract and upon mutual agreement of the vendor and the Town, the contract may be extended for two (2) additional one (1) year periods under the same prices, terms and conditions, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AWARDING A FRANCHISE AGREEMENT TO CONDUCT SCIENCE CAMPS AND PROGRAMS FOR THE TOWN OF HUNTINGTON DEPARTMENT OF PARKS AND RECREATION.

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: **Councilman Mayoka,  
Councilwoman Berland**

and seconded by: **Supervisor Petrone, Councilman Cook**

WHEREAS, the Town of Huntington is desirous of utilizing the instructional services of a qualified, trained vendor to organize, coordinate and supervise various science programs at various facilities throughout the Town; and

WHEREAS, requests for proposals were received on December 21, 2012, by the Town of Huntington, Director of Purchasing, 100 Main Street, Huntington, New York, for conducting science camp and programs for the Town of Huntington Department of Parks and Recreation, RFP No. 2012-12-011 and the same were opened and read aloud; and

WHEREAS, Sciensational Workshops for Kids, Inc., 6 Doe Drive, Columbia, New Jersey 07832 is the sole proposer; and

WHEREAS, scheduling a public hearing to consider a franchise agreement is not an action as defined by 6 N.Y.C.R.R. 617.2(b) and therefore a SEQRA review is not required.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the **5th** day of **February, 2013** at **7:00 P.M.** at Huntington Town Hall, 100 Main Street, Huntington, New York to consider awarding a franchise agreement for conducting science camp and programs to Sciensational Workshops for Kids, Inc.. The Town will receive 20% of the total revenue generated which will be recorded into Operating Budget Item A2006. The contract period shall be effective for a two (2) year term commencing upon the execution of the contract and upon mutual agreement of the vendor and the Town, the contract may be extended for two (2) additional one (1) year periods under the same prices, terms and conditions, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION SCHEDULING A PUBLIC HEARING TO RECONSIDER THE APPLICATION OF SEAMUS COYLE FOR A CERTIFICATE OF APPROVAL IN A HISTORIC DISTRICT; RE: 114 PRIME AVENUE, HUNTINGTON-MILL LANE HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: COUNCILMAN CUTHBERTSON

and seconded by: SUPERVISOR PETRONE

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by Seamus Coyle, 155 New York Avenue, Huntington, NY 11743, for a Certificate of Approval to erect a 3-bay service station with unfinished second floor for storage on the property located at 114 Prime Avenue, Huntington, New York 11743, in accordance with plans dated November 15, 2010 pursuant to Chapter 198, Article VI of the Code of the Town of Huntington; and

WHEREAS, said premises is located in the Mill Lane Historic District and bears Suffolk County Tax Map No.: 0400 - 071.00- 02.00- 083.000; and

WHEREAS, the Town Board by Resolution No. 2011-579 scheduled a public hearing on said application for the 10<sup>th</sup> day of January, 2012 at 7:00 p.m.; and

WHEREAS, the Town Board having held a public hearing on the 10th day of January, 2012, pursuant to Section 198, Article VI of the Code of the Town of Huntington, on the application of Seamus Coyle for the aforesaid Certificate of Approval, and after due deliberation, on February 6, 2012 by Resolution No. 2012-72 the Board denied the application; and

WHEREAS, Seamus Coyle appealed said denial to the Supreme Court of the State of New York, County of Suffolk, and by Order of the Hon. Ralph T. Gazzillo, A.J.S.C. dated December 3, 2012, the Court remanded the matter back to the Town Board to reconsider the application in light of the Court's decision and order; and

WHEREAS, the scheduling of a public hearing in accordance with the Court's directive is a Type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(9) and, therefore no further SEQRA review is required,

NOW, THEREFORE, THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 5<sup>th</sup> day of February, 2013, at 7:00 p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York, to reconsider the



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application of Seamus Coyle for a Certificate of Approval for the property located at 114 Prime Avenue, Huntington, New York 11743 in compliance with said Order.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NUMBER 1 -2013, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, DECLARING A NINETY-DAY MORATORIUM ON THE ISSUANCE OF APPROVALS, GRANTS AND/OR CONDITIONAL USE PERMITS BY TOWN AGENICES RE: CONSTRUCTION OR INSTALLATION OF WIND TURBINES AND RELATED FACILITIES

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, there currently are no specific regulations in the code of the Town of Huntington establishing zoning, use, location, size, height, noise and safety requirements for wind turbines and related facilities; and

WHEREAS, other municipalities with zoning powers have established appropriate codes regulating wind turbines so as to balance the benefits of such facilities with the burdens upon properties impacted by such facilities; and

WHEREAS, there are pending and anticipated applications to construct wind turbines and related facilities within the Town in areas subject to the zoning authority of the Town; and

WHEREAS, the wind turbine industry is characterized by the rapid development of new technologies that in many instances may result in community impacts as they are installed at various locations throughout the Town; and

WHEREAS, it is necessary to declare a ninety (90) day moratorium on the processing of applications, holding of public hearings, issuance of approvals, grants, permits and conditional use permits for the construction or installation of wind turbines and related facilities in order to provide the Town sufficient time to review the existing Code and implement new regulations; and

WHEREAS, the declaration of a moratorium on the issuance of approvals, grants, and/or permits by designated town agencies is a Type II action pursuant to 6 N.Y.C.R.R 617.5c(30) of the SEQRA regulations, and therefore no further SEQRA review is required.

NOW, THEREFORE, BE IT RESOLVED THAT THE HUNTINGTON TOWN BOARD

HEREBY SCHEDULES a public hearing to consider adopting Local Law Introductory Number 1 - 2013, amending the Code of the Town of Huntington, declaring a ninety (90) day moratorium on the processing of applications, holding of public hearings, issuance of approvals, grants, permits and conditional use permits by any Town agencies, departments and/or employees for the construction or installation of wind turbines and related facilities in order to provide the Town sufficient time to review the existing Code and implement new regulations, to

be held on the 5th day of February, 2013, at 7:00pm, at Town Hall, 100 Main Street, Huntington, New York, at which time all persons interested in the subject thereof may be heard; and

HEREBY DIRECTS the Town Clerk to cause this Notice of Hearing to be published in the official newspapers of the Town of Huntington.

LOCAL LAW INTRODUCTORY NUMBER 1 -2013  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
DECLARING A NINETY (90) DAY MORATORIUM ON THE PROCESSING OF  
APPLICATIONS, HOLDING OF PUBLIC HEARINGS, ISSUANCE OF APPROVALS,  
GRANTS, PERMITS AND CONDITIONAL USE PERMITS BY TOWN AGENCIES,  
DEPARTMENTS AND/OR EMPLOYEES

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS FOLLOWS:

Section 1. Amendment to the Code of the Town of Huntington for the purpose of declaring a ninety (90) day moratorium on the processing of applications, holding of public hearings, issuance of approvals, grants, permits and conditional use permits by Town Agencies, departments and/or employees for wind turbines and related facilities is in the public interest.

Section 2. Legislative Intent, Purpose and Findings:

- (1) The Code of the Town of Huntington does not currently contain specific regulations of the location, size, impacts and dimensions of wind turbines and related facilities.
- (2) It has become necessary to update the zoning code of the Town of Huntington to include specific regulations of wind turbines and related facilities due to the desire to locate such facilities within the areas subject to the zoning power of the Town; there is a need to regulate the location, size, dimensions and impacts of such facilities to balance the benefit to the property owner with the burdens upon affected area properties.

Section 3. Declaration of Moratorium. A ninety (90) day moratorium on the processing of applications, holding of public hearings, issuance of approvals, grants, permits and conditional use permits for wind turbines and related facilities in order to provide the Town sufficient time to review the existing Code and implement new regulations is hereby declared. This declaration does not apply to properties owned, leased or otherwise controlled by the Town of Huntington or any subdivision thereof, provided that said uses are subject to a license or lease issued by the Town Board.

Section 4. Hardship Exemption. Any property owner can apply to the Town Board for an exemption from this moratorium due to hardship. To qualify for such exemption, an application with supporting documentation shall be submitted to the Town Board by filing with the Town Clerk. Such application and supporting proof shall demonstrate (a) that substantial economic loss will occur by reason of the delay in the application caused by this moratorium; and (b) that

negative impacts to affected properties can be effectively mitigated by the design, location and other features of the proposed wind turbine and related facilities. The Town Board may designate the Town Attorney, Director of the Department of Planning and the Environment and/or the Director of the Department of Engineering Services or their representatives to review the hardship application, request additional materials if needed and to report to the Town Board.

Section 5. Severability. If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

Section 6. Effective Date. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

ADDITIONS ARE INDICATED BY UNDERLINE.

DELETIONS ARE INDICATED BY [BRACKETS].

\* \* \* INDICATES NO CHANGE TO PRESENT TEXT.

VOTE:                      AYES: 5      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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RESOLUTION APPOINTING A TOWN ATTORNEY

Resolution for Town Board Meeting Dated: January 8, 2012

The following resolution was offered by: Councilwoman Berland  
Councilman Mayoka

And seconded by: COUNCILMAN COOK

WHEREAS, the appointment of personnel is not an action as defined by 6 N.Y.C.R.R. § 617.2 (b) and, therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD HEREBY APPOINTS

Cindy Elan-Mangano, Esq.  
57 Beaumont Drive  
Melville, New York 11747

as Town Attorney, effective immediately, for an annual salary not to exceed one hundred forty nine thousand eight hundred twenty four (\$149,824.00) dollars.

HEREBY AUTHORIZES the Comptroller to amend the 2013 Operating Budget as follows:

Reinstate the following position:

A-1420-1100	Town Attorney	\$149,824
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VOTE: AYES: 3 NOES: 2 ABSTENTIONS: 0

Supervisor Frank P. Petrone	NO
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	NO
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE COMPTROLLER TO PAY 2012/2013 TOWN  
OF HUNTINGTON TAXES ON BOARD OF TRUSTEE -OWNED PROPERTY

Resolution for Board of Trustee Meeting Dated: January 8, 2013

The following resolution was offered by: **TRUSTEE CUTHBERTSON**

and seconded by: **PRESIDENT PETRONE, TRUSTEE COOK**

WHEREAS, authorizing the Comptroller to pay taxes is not an action as defined by 6  
NYCRR §617.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE BOARD OF TRUSTEES

HEREBY AUTHORIZES the Comptroller to pay 2012/2013 Town of Huntington Taxes  
on Board of Trustees-owned property in an amount not to exceed the budgeted amount of  
NINE THOUSAND and NO/100 (\$9,000.00) DOLLARS to be charged to Operating  
Budget Item C1950-4170.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

President Frank P. Petrone	AYE
Trustee Susan A. Berland	AYE
Trustee Eugene Cook	AYE
Trustee Mark A. Cuthbertson	AYE
Trustee Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION APPOINTING A DIRECTOR OF THE COMMUNITY  
DEVELOPMENT AGENCY

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: **MEMBER CUTHBERTSON**

And seconded by: **MEMBER BERLAND**

WHEREAS, the appointment of personnel is not an action as defined by 6 NYCRR §617.2(b), and therefore, no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY APPOINTS

Joan A. Cergol  
23 Maple Hill Road  
Huntington, NY 11743

as Director of the Community Development Agency, at an annual salary not to exceed the sum of ONE HUNDRED NINETEEN THOUSAND AND NO/100 (\$119,000.00) effective January 9, 2013; and

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

RESOLUTION DESIGNATING CHECK SIGNERS FOR AGENCY ACCOUNTS

Resolution for the Community Development Agency Board Meeting Dated: January 8, 2013

The following resolution was offered by: **MEMBER CUTHBERTSON**

and seconded by: **MEMBER MAYOKA**

WHEREAS, the Huntington Community Development Agency maintains various accounts for the transaction of its business and various financial institutions require resolutions designating officers authorized to open accounts, invest funds, make payments on and initiate transactions of other business for its accounts; and

WHEREAS, due to the appointment of a new director, it is necessary to designate check signers for Agency accounts; and

WHEREAS, the designation of check signers is not an action as defined by 6 N.Y.C.R.R.617.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE HUNTINGTON COMMUNITY DEVELOPMENT AGENCY BOARD

HEREBY DESIGNATES the following individuals as authorized signers for all Agency accounts:

Frank P. Petrone, Chairman  
Joan Cergol, Director  
Bruce Grant, Deputy Director

and

HEREBY DIRECTS that the signature of only one authorized signer shall be required for payments drawn in the amount of FIVE THOUSAND AND NO/100 (5,000.00) DOLLARS or less, and the signature of two authorized signers shall be requires for payments in excess of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS; and

HEREBY DIRECTS that this resolution shall be effective immediately and shall remain in effect until such time as the officers of the Agency change.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Chairman Frank P. Petrone	AYE
Member Susan A. Berland	AYE
Member Eugene Cook	AYE
Member Mark A. Cuthbertson	AYE
Member Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.